

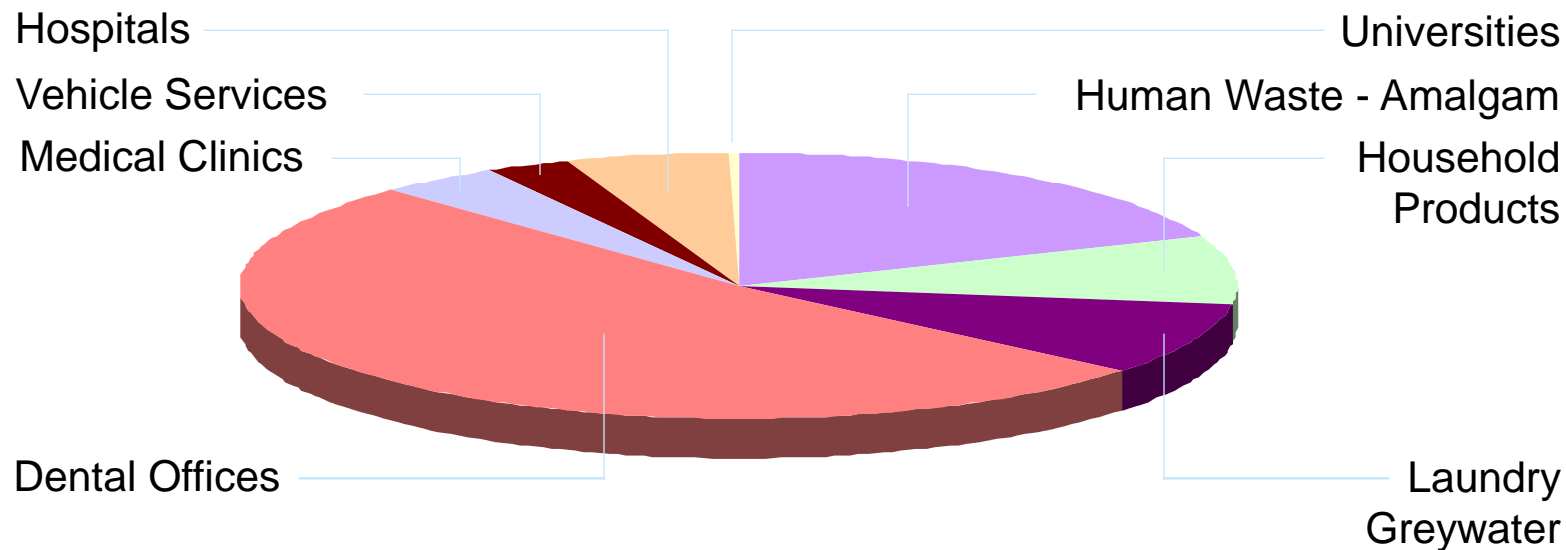
# LA SANITATION'S APPROACH

## Implementing USEPA 40 CFR Part 441 Dental Category

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# NACWA 2002 Mercury Source Control Plan



NACWA/EPA Mercury Pollution Prevention Project (2002)

# Effluent Guidelines

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## Effluent Guidelines Plan

EPA annually screens industrial discharger categories based on the relative hazard they pose to human health and the environment. Categories identified as a hazard priority are studied further to determine if they are candidates for new or revised Effluent Guidelines. The biennial Effluent Guidelines Plan identifies the categories selected by the Agency for regulation projects and industry studies.

### Final 2014 Effluent Guidelines Program Plan

EPA published its Final 2014 Effluent Guidelines Program Plan on August 4, 2015. The Plan announces final decisions EPA is making on the control of industrial wastewater discharges. EPA also published its 2014 Annual Effluent Guidelines Review Report providing detailed information about its 2014 annual review of industrial wastewater discharges.

- [Fact Sheet](#)
- [Federal Register Notice \(PDF\)](#) (August 4, 2015)
- [Final 2014 Plan](#)



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### Supporting Documents

All supporting materials for the Final 2014 Plan can be found in Docket [EPA-HQ-OW-2014-0170](#).  
• [2014 Annual Review Report](#)

# Updated American Dental Association 2007 BMPS

- \* Install an ISO dental amalgam separator;
- \* Proper maintenance of the separators; and
- \* Recycling of all amalgam waste collected in dental offices
- \* Use chair side traps
- \* Vacuum pump filters
- \* Line cleaners

# USEPA 2008 MOU between ADA and NACWA

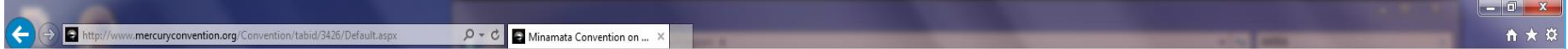
## MEMORANDUM OF UNDERSTANDING ON REDUCING DENTAL AMALGAM DISCHARGES

The following is a Memorandum of Understanding (MOU) between the U.S. Environmental Protection Agency ("EPA"), the American Dental Association ("ADA"), and the National Association of Clean Water Agencies ("NACWA") to establish and monitor the effectiveness of a Voluntary Dental Amalgam Discharge Reduction Program. Section I provides a brief background. Section II provides the terms of the MOU, including its purpose, limitations, goals, and the intended actions of the parties. Sections III, IV, and V provide the effective date of the MOU, the authority to modify the MOU, and the method by which the MOU can be terminated.

# Support for a National Rulemaking

- \* In 2007, ADA added the use of Amalgam separators to the list of BMPs;
- \* In 2010, ADA's Board of Directors adopted a resolution endorsing a mandatory national pretreatment standard if consistent with nine principles specified in the resolution. Any regulation should...;
- \* 12 States and 19 localities have required the use of dental mercury amalgam separators; and
- \* United States joined the Minamata Convention.

# Minamata Convention



HOME CONVENTION NEGOTIATIONS COUNTRIES IMPLEMENTATION SUPPORT NEWS



## Convention

The Minamata Convention on Mercury is a global treaty to protect human health and the environment from the adverse effects of mercury. It was agreed at the fifth session of the Intergovernmental Negotiating Committee on mercury in Geneva, Switzerland at 7 a.m. on the morning of Saturday, 19 January 2013 and adopted later that year on 10 October 2013 at a Diplomatic Conference (Conference of Plenipotentiaries), held in Kumamoto, Japan.

The Convention draws attention to a global and ubiquitous metal that, while naturally occurring, has broad uses in everyday objects and is released to the atmosphere, soil and water from a variety of sources. Controlling the anthropogenic releases of mercury throughout its lifecycle has been a key factor in shaping the obligations under the Convention.

Major highlights of the Minamata Convention include a ban on new mercury mines, the phase-out of existing ones, the phase out and phase down of mercury use in a number of products and processes, control measures on emissions to air and on releases to land and water, and the regulation of the informal sector of artisanal and small-scale gold mining. The Convention also addresses interim storage of mercury and its disposal once it becomes waste, sites contaminated by mercury as well as health issues.

The Booklet of the Convention can be downloaded in the 6 official UN languages following these links:

<b>MINAMATA CONVENTION ON MERCURY</b> TEXT AND ANNEXES	<b>CONVENTION DE MINAMATA SUR LE MERCURE</b> TEXTE ET ANNEXES	<b>CONVENIO DE MINAMATA SOBRE EL MERCURIO</b> TEXTO Y ANEXOS
<b>مؤتمر القوميين المعنسي ياتفاقية ميناماتا بشأن الزئبق</b> النص والرفقات	<b>关于汞的水俣公约</b> 正文和附件	<b>Минаматская Конвенция о ртути</b> Текст и приложения

For the certified true copy of the Minamata Convention text, to be read in conjunction with any corrections thereof, please follow the link below:

[CERTIFIED TRUE COPY](#)

128 SIGNATURES

28 RATIFICATIONS

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# Dental Category Proposed Ruling

- \* Changes to 40 CFR 403 General Pretreatment Regulations
- \* 40 CFR 441 Applicability
- \* Pretreatment Standards (BMPs)
- \* Baseline Report and Schedule
- \* 90 Day Compliance Report
- \* Annual Periodic Monitoring Report



# Changes to 40 CFR 403 Pretreatment Regulations

- \* Allows the POTW to designate an industrial user as a **Dental Industrial User** rather than a Significant Industrial User

## **CRITERIA**

- \* The IU must Comply with 40 CFR 441 PSES or PSNS standards;
- \* Monitoring; and
- \* Reporting Requirements, to be designated as a DIU

- \* The POTW must evaluate the DIU at least once per year
- \* If the DIU no longer meets the criteria of 40 CFR 403, then the POTW must initiate enforcement action.
- \* Continued noncompliance within **90** days of the DIU results in reclassification to SIU

# 40 CFR 441 APPLICABILITY

- \* The provisions apply only to dental dischargers that practice dentistry to remove and place amalgam fillings.
- \* NAICS code 621210
- \* The provisions do not apply to dental discharges that practice dental specialties
- \* The provisions do not apply to dental dischargers that do not place or remove amalgam except in limited emergency circumstances via certification

# Pretreatment Standards

- \* PSES
  - \* Must comply within 3 years of the effective date of the final rule
  - \* Remove 99% of total mercury from amalgam process wastewater
  - \* Incorporate BMPs
- BMPs are:
- \* Collect and recycle Scrap Amalgam
  - \* Clean Chair-side Traps with non-bleach or non chlorine cleanser
  - \* Install and maintain one 2008 ISO 11143 certified amalgam separator

PSNS treatment standards are the same as PSES standards except that the compliance due date is upon commencement of discharge.

# Baseline Report

- \* PSES

- \* Submit the report within a 180 days of the effective day of the rule

- \* Facility information and description of operations
- \* A description of any existing amalgam separator currently operated
- \* Statement whether BMPs are being employed

- \* PSNS

- \* Submit the report 90 days prior to commencement of discharge

- \* Facility information and description of the operations
- \* Description of any planned amalgam separator

# 90 Day Compliance Report

## PSES

The report must be submitted within 90 days after the final compliance due date. The report must include:

- Facility information
- Description of Operations
- Certification of a properly operated amalgam separator
- Certification that BMPs are employed

## PSNS

The report must be submitted within 90 days following the commencement of discharge

- Same requirements as PSES

# Periodic Monitoring Report

- \* Submit an annual report that contains the following information
  - \* Facility Information
  - \* Specify whether or not changes at the facility have occurred since the most recent compliance
  - \* Certification Statement that the design and operation of the Amalgam Separator meets specified requirements
  - \* Certification the facility is employing BMPs

# PROGRAM APPROACH



# INVENTORY

## California Department of Consumer Affairs

\*California Department of Consumer Affairs  
<http://www.dca.ca.gov/consumer/wll.shtml>

\*California Dental Association





# NOTIFICATION

- \* Issue a letter notifying each dental practice of the newly promulgated Dental Rule and their responsibility to comply within 3 years
- \* Include a Categorical Exemption Certification Statement Form
- \* Include a Dental Practice Permit Application
- \* Include a Baseline Report Form

# Pretreatment Information Management System (PIMS)

## DIU

- \* Permit Application Information
- \* Baseline Report Information
- \* Annual Compliance Report

## POTW

- \* Notices of Violations
- \* Violations Report
- \* Enforcement Cases
- \* Information Sheets
- \* Inventory and Baseline Reports

# PERMITTING

Clerical Administration Receive DIU applications and completed forms

- \* DIU information is entered into the Information Management System
- \* A file is created for each DIU where application, reports and forms are kept
- \* DIUs are assigned to designated Inspection Staff
- \* Inspector reviews assigned DIU file and system information for completeness
- \* Inspector contacts each DIU for additional information
- \* System Reports are generated and Engineering assignments are made to begin processing and issuing DIU permits

# Industrial Wastewater Permit

- \* Cover Letter
- \* Local Discharge Limitations
- \* Annual Reporting Requirement
- \* Best Management Practices
- \* Standard Conditions
- \* Appendix A - Annual Monitoring Report
- \* Appendix B - BMP Certification Statement

# Inspection

- \* Inspect each DIU once a year
- \* Inspector will utilize a BMP checklist and discuss findings with DIU
- \* Inspector will provide regulatory information and educational material to assist DIU to comply prior to 3 years of the effective date of the final rule
- \* Once DIU maintains permanent compliance, the frequency of inspection may be reduced to once every 5 years depending on other program needs

# Enforcement Response Plan



# Enforcement Approach

- \* Issue Notice of Violation

- \* 10 days to respond

- \* Issue Cease and Desist Violations Order

- \* 30 days to respond

- \* Schedule Compliance Meeting

- \* Issue Compliance Order

- \* 45 days to achieve compliance

- \* If necessary, Notify Property Owner

- \* Violation of Pretreatment Standards

- \* Violation of Permit Special Conditions

- \* Violation of Baseline Report

- \* Violation of the 90 Day Compliance Report

- \* Violation of Annual Reporting Requirements

# Staffing Requirement First 3 Years of Program

- \* Environmental Compliance Inspectors
  - \* 4 Inspectors to inspect 1800 dental offices annually
  - \* 1 Inspector to review Annual Periodic Reports
- \* Environmental Engineers
  - \* 1 Enforcement Engineer
  - \* 1 Permitting Engineer
- \* Administration Support
  - \* 1 Clerk





**END**