

Dental Rule Compliance FAQ

Dental Office Category – 40 CFR, Part 441

On June 14, 2017, the EPA promulgated pretreatment standards to reduce discharges of mercury from dental offices into publicly owned treatment works (POTW) (e.g., municipal sewage system). Dental offices discharge mercury present in amalgam used for fillings. Amalgam separators are a practical, affordable, and readily available technology for capturing mercury and other metals before they are discharged into sewers that drain to POTWs. Once captured by a separator, mercury can be recycled.

1. Who must comply with this rule?

The vast majority of dental facilities that discharge wastewater into a POTW are subject to this rule. However, there are some exceptions.

2. Exceptions: Does the rule apply to me?

- ***I practice a dental specialty.***

Dental dischargers that exclusively practice one or more of the following dental specialties are exempted from this rule:

- Oral pathology
- Oral and maxillofacial radiology
- Oral and maxillofacial surgery

- ***I practice dentistry in a mobile dental unit.***

Mobile dental units are exempted from this rule.

- ***My dental facility discharges to a private septic system.***

Your facility is exempted from this rule. However, you must meet all other federal, state, or local rule requirements for operating and maintaining your septic system.

- ***I do not use dental amalgam in my practice and only remove it in limited or unanticipated circumstances (less than 5% of procedures, or fewer than approximately 9 times per year).***

You must submit a one-time compliance report to your Control Authority stating that you do not place or remove amalgam except in limited circumstances.

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- ***I regularly place or remove dental amalgam in my practice (more than 5% of procedures, or more than approximately 9 times per year).***

You must comply with the rules at 40 CFR 441 and:

1. Properly install, operate, and maintain an amalgam separator or other amalgam removal device with a removal efficiency of at least 95%. Details of what constitutes proper operation and maintenance may be found at 40 CFR 441.30(a)(i).
2. Do not discharge scrap amalgam or oxidizing/acidic cleaners directly into the lines.
3. Submit the one-time compliance report.
4. Determine whether you are an existing or new discharger (see below).

3. Am I an existing or new discharger?

- ***Existing Discharger***

An existing dental discharger is a dental office in operation before July 14, 2017. If you are an existing dental discharger, you must comply with the rule by July 14, 2020 and submit your one-time compliance report to your Control Authority no later than October 12, 2020 or 90 days after transfer of ownership.

- ***New Discharger***

A new dental discharger is an office that begins operating on or after July 14, 2017. You must be in compliance with the rule as applicable *immediately before beginning your practice*. This includes submitting the one-time compliance report to your Control Authority no later than 90 days following the first discharge to the POTW (typically the first day of operation).

4. When is my one-time compliance report due?

If you are an existing discharger, your one-time compliance report is due no later than October 12, 2020.

If you are a new discharger, your one-time compliance report is due within 90 days following your first discharge to the POTW (typically the first day of operation).

5. Who is my Control Authority?

If your practice is not exempt from the rule and discharges to the City of Post Falls Water Reclamation Facility, your Control Authority is the City of Post Falls.

Fill out the one-time compliance report and mail it to:

City of Post Falls
Industrial Pretreatment Program
408 N. Spokane Street

Post Falls, ID 83854

If you do not discharge to the City of Post Falls, your Control Authority is the Idaho Department of Environmental Quality. Fill out the one-time compliance report and email to Terry Alber (terry.alber@deq.idaho.gov) or mail a copy to the address below:

Idaho Department of Environmental Quality
Attn: Terry Alber
1410 N. Hilton Street
Boise, ID 83706

6. What if I already have a separator installed?

Submit the one-time compliance report with details about your separator.

Your separator must be properly operated and maintained for its lifetime or 10 years (June 14, 2027), whichever comes first. When the separator needs replacement, the 10-year period has ended, or the separator no longer meets the standards outlined, the separator must be replaced.

7. I'm transferring ownership of my practice or have newly taken control of an existing practice. What do I need to do?

The dentist taking ownership of the facility must submit a one-time compliance report within 90 days of transfer of ownership. It is recommended that the dentist transferring ownership of his/her practice notify the City of Post Falls that they will no longer practice at that location.

8. What recordkeeping requirements must I meet?

You must retain the original one-time compliance report sent to the City of Post Falls for as long as the practice is in operation under your ownership. If ownership is transferred, the new owner must submit his or her one-time compliance report, and the old one may be destroyed.

In addition, you must maintain a visual inspection log of any separators, documentation of any repairs or replacements, disposal records, and the manufacturer's current operating manual for the device.

9. I need more information.

Please Contact: City of Post Falls,
Industrial Pretreatment Program
208.777.9857
pretreatment@postfallsidaho.org