



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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RESPONSE TO COMMENTS

Amendments to:

310 CMR 73.00 Amalgam Wastewater and Recycling Regulations for Dental Facilities

Statutory Authority:

310 CMR 73.00: M.G.L. c. 21, §§ 26 through 53, c. 21C, §§ 4 and 6, c. 111, § 150A and c. 21A, §§ 2 and 8.

Background Information

310 CMR 73.00: Amalgam Wastewater and Recycling Regulations for Dental Facilities

establishes wastewater treatment, operational standards and amalgam recycling requirements for dental facilities, and requires a performance-based compliance certification.

The amendments to the Environmental Results Program dental regulations at 310 CMR 73.00: *Amalgam Wastewater and Recycling for Dental Facilities* would exempt dental facilities that certify annually or biennially to a local Publicly Owned Treatment Works (POTW) that has a pretreatment program approved by the U.S. Environmental Protection Agency (EPA), thereby eliminating duplicative certifications and fees on dental facilities.

Public Comment Process

MassDEP held public hearings on the proposed amendments in accordance with M.G.L. c. 30A. Hearings were held virtually on July 20, 2020 at 10 AM, 1 PM and 6:30 PM, and on July 21, 2020 at 10 AM, 1 PM, and 3 PM. The public hearing notice was published in the Boston Globe and The Worcester Telegram and Gazette on June 26, 2020. Proposed amendments were available on MassDEP's website at:

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
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<http://www.mass.gov/eea/agencies/massdep/service/regulations/proposed-and-recently-promulgated-regulations.html> . The MassDEP contact for further information was Veronica Wancho O'Donnell, who could be reached at 617-574-6859 or via email at veronica.odonnell@mass.gov.

MassDEP received comments from the following:

Andreae Downs
Executive Director
Wastewater Advisory Committee to the MWRA

Responses to Comments

Comment 1: We support the removal of duplicative certifications for dentistry practices that already certify compliance to their publicly owned treatment works (POTW).

WAC is also pleased that DEP is continuing to allow electronic submissions of dental certifications, and that these are required at the same time as license renewals, so they are easy for small practices to remember.

Response: MassDEP appreciates these comments.

Comment 2: In the past, WAC has recommended that regulators provide dentists with a list of disinfectants (chemical names, not brand names) that are allowed for separator line clean-outs and those that are not.

Response 2: Neither the EPA nor the MassDEP dental amalgam separator regulations list specific separator line cleaners, but rather state what the pH range of these cleaners must be so that the mercury amalgam waste is not mobilized during cleaning. MassDEP wants dental facility owners and operators to be able to choose whatever cleaner they would like to use provided that the pH meets the regulations. MassDEP does not consider providing lists and spending time to keep the list current is necessary for dental facilities to maintain compliance with the regulations.

Comment 3: WAC also supports setting a minimum standard of separator clean outs at once a week, to ensure that high-volume practices are covered.

Response 3: MassDEP has added a citation obligating the owner/operator of the dental facility to conduct amalgam separator clean outs in accordance with manufacturer's recommended specifications. The citation also states that these clean outs may be daily, weekly, or monthly depending on the volume of wastewater generated at the dental facility.