

# Approved Regulatory Changes

310 CMR 73.00

Amalgam Wastewater and Recycling  
Regulations for Dental Facilities

# Background

- In 2017, the EPA promulgated pretreatment standards at 40 CFR 441 to reduce discharges of mercury from dental offices into Publicly Owned Treatment Works (POTW)
- The environmental dangers of mercury include:
  - Accumulation in sewage sludge
  - Mercury in incinerated sludge or sludge applied to land as a soil amendment can be released to the environment via precipitation and leaching
  - Mercury that runs into waterways can bioaccumulate in fish and subsequently in humans and animals who eat the fish

# Background (cont.)

- The EPA regulations included:
  - the requirement to install dental amalgam separators at dental facilities placing or removing amalgam to capture mercury and other metals for recycling
  - the requirement for dental facilities to submit a one-time compliance report to their Control Authority
    - The Control Authority is either a local POTW, state agency, or EPA
    - Some POTW decided to promulgate their own regulations based on MassDEP and EPA regulations

# Dental Amalgam Regulations

Current MassDEP Regulation include the following:

- Dental facilities must install and maintain amalgam separators that can remove 98% of the solids that pass through the system
  
- Dental facilities must submit a completed compliance certification to MassDEP every two years in the even numbered year and pay the associated fee
  
- Dental facilities must also:
  - manage their mercury waste according to the regulations
  - maintain records of separator servicing and maintenance
  - maintain records showing that amalgam waste has been recycled according to the regulations

# Dental Amalgam Regulations

## New POTW regulations:

- Larger POTW (MWRA, Upper Blackstone, Chicopee) have promulgated their own regulations based on the EPA rule and MassDEP regulations:
  - ▶ Their regulations are at least as stringent as MassDEP regulations
  - ▶ The POTW are conducting their own inspections, issuing permits, requiring periodic compliance certifications, and charging fees
- We anticipate more POTW will develop similar programs in the future
- These new POTW programs would cause dental facilities discharging to these POTW to certify twice (once to the POTW and once to MassDEP) and to pay two certification fees – this is a problem for the regulated community <sup>5</sup>

# Public Process

- The public hearings were held virtually in June 2020
  - One additional change was made based on a public comment
- On August 19, 2021, MassDEP was notified that the amendments to the dental regulations found at 310 CMR 73.00 had been approved
- MassDEP will file the regulations with the Secretary of State upon approval of the Water Resources Commission

# Dental Amalgam Regulations

Approved MassDEP changes to 310 CMR 73.00

- Exempt dental facilities who certify on an annual or biennial basis to their receiving POTW from complying with MassDEP dental amalgam regulations
  - These dental facilities will comply with the applicable POTW regulations, and will certify their compliance to their POTW and not to MassDEP
  - MassDEP anticipates that the number of MassDEP dental filers will decrease by approximately 1100.

# Dental Amalgam Regulations

## Additional Approved Changes:

- Added a definition for Publicly Owned Treatment Works
- Made the applicability language clearer by stating that 310 CMR 73.00 is **NOT** applicable to dental facilities that do not place or remove amalgam, or do not generate or discharge wastewater from amalgam-related processes
- Added language stating that new owners of dental facilities subject to 310 CMR 73.00 must notify MassDEP within 60 days of the ownership change.



# Dental Amalgam Regulations

## Additional Approved Change

- Following change made based on public comment:
  - Ensure amalgam separator system clean-outs are conducted in accordance with manufacturer's recommended frequency. This maintenance may depend upon the volume of wastewater discharged, and may be daily, weekly or monthly

# Questions and WRC Vote

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