

Proposed 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 regulations also required 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 Regulations:

- 310 CMR 73.00 (revised September 2016)
- 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

Dental Amalgam Regulations

Proposed 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 MassDEP
- MassDEP anticipates that the number of MassDEP dental filers will decrease by approximately 1100.

Dental Amalgam Regulations

Additional Proposed Changes:

- Add a definition for Publicly Owned Treatment Works
- Make 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
- Add language stating that new owners of dental facilities subject to 310 CMR 73.00 must notify MassDEP within 60 days of the ownership change.

Public Process

- Notice letters will be sent to applicable state agencies after EEA regulation approval
- Public Hearings will be scheduled and notices will be sent out to state agencies and placed in newspapers as required
- Public Comment will be accepted and reviewed after the public hearings

Questions?

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