

Committee Report

Environment Committee



Committee Meeting Date: December 13, 2022

For the Metropolitan Council: January 11, 2023

Business Item: 2022-308

Implementation of General Permits for Dental Clinics

Proposed Action

That the Council authorize the Regional Administrator to remove the permitting exemption for dental clinics so that MCES can implement general permits to dental clinics in our service area that fall under EPA's Dental Office Point Source Category (40 CFR Part 441).

Summary of Environment Committee Discussion/Questions

- CM Vento: Do you think there might be any merit in a certificate or seal, clinics can post each year for completion of this program? Is this being done on a county or regional level?
- Staff responded: We do issue a certificate of compliance that's good for 5 years. I don't know the specifics but I think Duluth issues permits because of their mercy limitations.
- CM Vento: Do we know what the other sources of mercy are to our treatment plants?
- Staff responded: Supply chain issues outside of the United States have contributed to this.

Motion by CM Wulff, seconded by CM Vento. Motion carried.



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District(s), Member(s):	All Districts
Policy/Legal Reference:	Mercury Reduction Strategy, MCES Waste Discharge Rules, and Council Administrative Policies 3-2-4 (i.e., industrial charges)
Staff Prepared/Presented:	Martina Nelson, IWPP Manager, 651-602-4728 Naum Bukingolts, Principal Engineer, 651-602-4714 Ned Smith, Director – Pretreatment & Finance, 651-602-1162
Division/Department:	Environmental Services

Proposed Action

That the Council authorize the Regional Administrator to remove the permitting exemption for dental clinics so that MCES can implement general permits to dental clinics in our service area that fall under EPA's Dental Office Point Source Category (40 CFR Part 441).

Background

In 1998, the Metropolitan Council (Council) and the Minnesota Dental Association (MDA) formed a partnership and undertook studies that evaluated dental amalgam separation equipment and loadings of mercury in amalgam to the sanitary sewer. These studies established a scientific basis for concluding that advanced amalgam separation equipment can be cost-effective in removing amalgam particles from the dental office wastewater stream and that such equipment should be installed.

Over the past 20 years with MDA's support, the Council has established a voluntary amalgam recovery program to ensure the installation of advanced amalgam separation equipment in all appropriate dental offices in the Council's service area. Business Item 2002-419 was presented to and approved by Environment Committee and the Council in late 2002 to establish this voluntary program. The program granted the dental clinics a variance from our local pretreatment standard for mercury, as well as exemptions from needing an industrial discharge permit and being required to conduct self-monitoring on their wastewater discharge, in lieu of a regulatory approach. In return, dental clinics were expected to maintain certification, which includes the submittal of an annual statement that verifies that they are operating and maintaining their amalgam separator and managing dental wastes according to manufacturer specifications and Best Management Practices.

This program has been a success over the past 20 years and has resulted in a 67% cumulative reduction in the influent mercury at the Metropolitan WWTP. However, this program has evolved to include periodic inspections to verify the clinics comply and requires significant resources to ensure that all dental clinics are enrolled and submit their annual statement each year.

In 2017, EPA promulgated its final rule for dental clinics, 40 CFR Part 441 – Dental Office Point

Source Category. This rule covers general practices and endodontic clinics. It requires that qualifying clinics to install and properly operate and maintain an amalgam separator that is at least 95%; Minnesota's program under the MPCA requires a 99% removal efficiency. This rule now means that participation in our once voluntary program, is mandatory.

Rationale

Now that there is a federal rule requiring the proper installation, operation and maintenance of amalgam separators at general practice and endodontic dental clinics, MCES sees great benefit in retaining the variance for meeting the local pretreatment standards for mercury but removing the exemption from being issued a permit. Since this voluntary program began in 2002, we have developed several general permits for different industry sectors that have allowed us to leverage Best Management Practices to protect our wastewater treatment plants and collection system, while minimizing the regulatory burden on these industries. A general permit will include all Best Management Practices and be a great resource to help the clinics manage their wastes, operate and maintain their separator, and ensure that they are in compliance with our program and protecting our Region's water and environment.

The dental amalgam program does not currently have any cost recovery. However, MCES spends a significant amount of staff time each year working with a small number of dental clinics that do not submit the required annual statement to us. Currently we have over 800 dental clinics in our amalgam recovery program, and approximately 20% do not submit their annual statement on time. Many of these are repeat offenders year after year.

A general permit will enable MCES to use our Enforcement Response Plan to issue enforcement actions with administrative fees to incentivize dental clinics to submit their annual statements on time. Most general permit types carry an annual permit fee, but most of our administration burden for dental clinics is getting the clinics to submit their statement on time. Therefore, we are only seeking cost recovery from those clinics who do not submit on time. We have met and discussed this approach with MDA, and they are supportive and have offered to help us communicate this program change to their membership.

Thrive Lens Analysis

This action supports the Thrive MSP 2040 stewardship, sustainability and equity outcomes and the Water Resource Policy Plan. Implementing a general permit with clearly outlined Best Management Practices will help ensure dental clinics are protecting the Region's water and reduce their impact to our collection system and wastewater treatment plants. Issuing enforcement actions with administrative fees will enable us to equitably offset our administrative burden in ensuring all dental clinics submit their required annual statement to MCES on time.

Funding

No extra funding is needed to carry out this action.

Small Business Inclusion

There are no direct impacts to small business with this proposed action.

