

July 6, 2018

Re: EPA Dental Rule and MCES Amalgam Recovery Program Updates

To Dental Office Doctors and Owners:

This is an official letter to inform you of key regulatory requirements of the US Environmental Protection Agency's 2017 Dental Rule, along with other Metropolitan Council Environmental Services (MCES) Amalgam Recovery Program administrative updates. Please read through this entire letter to learn of your legal obligations.

MCES operates the wastewater treatment plants within the Minneapolis & St. Paul seven-county metropolitan area. As part of this work, MCES administers the Amalgam Recovery Program for dental offices, with the help of the Minnesota Dental Association. MCES also administers wastewater related rules for all the other businesses and industries within its service area.

EPA Dental Rule:

The US Environmental Protection Agency promulgated a rule for dental offices in June of 2017. The EPA website for this rule is: <https://www.epa.gov/eg/dental-effluent-guidelines>

The five primary requirements of the EPA dental rule are:

1. Install and properly operate an amalgam separator.
2. Submit a "One-Time Compliance Report" to MCES.
3. Implement and follow Best Management Practices (BMPs).
4. Log amalgam separator inspection and maintenance activities.
5. Recordkeeping.

Your status in fulfilling these requirements:

1. As a participant in MCES' Amalgam Recovery Program (which preceded the EPA rule), you are satisfying the primary requirement of EPA's rule since you've installed an amalgam separator. Once the separator is installed, dental office staff need to understand how their separator functions so that staff operates it properly.
2. MCES has required that dental offices submit an annual statement since 2003. To ensure that you are fulfilling the new EPA One-Time Compliance Report requirement, MCES will modify its (now online) annual statement to ask for the information requested by EPA.
3. As part of your annual statement, you are affirming that you are properly operating the separator and implementing BMPs. See additional information below regarding the EPA's BMPs.
4. In the past, MCES has not required that a log be kept for separator maintenance. Therefore, this may be a new task for your office. See additional information below regarding logging.
5. The EPA's recordkeeping requirements may be new to your office. See below.

Additional EPA Dental Rule Related Information for Items 3 - 4 - 5 (from above):

3. EPA Best Management Practices (BMPs):

When dental offices submitted their annual statements to MCES in the past, they certified that they were following the American Dental Association's (ADA) recommended BMPs. The EPA's new rule for dental offices includes two BMPs which are quite similar to the ADA's BMPs. However, the EPA's BMPs give more specificity to one of the ADA's BMPs regarding the use of vacuum system line cleaners with the goal of minimizing the dissolution and discharge of mercury released from amalgam present in dental office plumbing and in the amalgam separator. That is, the EPA BMP states that vacuum lines must not be cleaned with oxidizing or acidic cleaners (including but not limited to: bleach, chlorine, iodine and peroxide). The pH of vacuum system cleaners must be within the range of 6 – 8. (Note that if a vacuum line cleaner is an oxidizer, it would be prohibited even if its pH is between 6 – 8.) The upcoming, 2018 annual statement will have you certify that you are following the ADA's BMPs and complying with federal requirements. (If you need to make changes to your vacuum system flushing chemical(s), MCES will allow a grace period as long as you begin using a non-oxidizing, 6 - 8 pH, flushing chemical in the near future.)

4. Logging Amalgam Separator Inspection & Maintenance Activities:

The key items to track in a log are:

1. Date, dental staff person's name(s) conducting the inspection, results of each inspection of the amalgam separator (action/activity taken), and a summary of follow-up actions if needed.
The separator must be inspected in accordance with the manufacturer's operating manual. Regardless of the manufacturer's schedule, MCES recommends at least weekly inspections.
2. Date that the amalgam separator was serviced, i.e., when the filter, cartridge, amalgam waste solids were removed from the separator and made ready for shipment.
3. Date that the amalgam separator filter, cartridge, waste solids were shipped away and the name of the permitted or licensed treatment, storage, or disposal facility receiving the amalgam waste solids.
4. Date of repairs and/or replacement of the amalgam separator, person's (or servicing company's) name(s) performing the work, and a description of the work. If a new amalgam separator is installed, note the make and model.

You should begin logging these activities right away. The log must be maintained and made available for inspection, in either physical or electronic form. An example of a log sheet is included with this letter.

5. EPA Recordkeeping Requirements:

The EPA rule states that a copy of the One-Time Compliance Report be maintained for as long as the dental office is operated by its owner. (If the ownership changes, the new owner must submit a new One-Time Compliance Report and maintain a copy for the duration of their ownership period.) Given that MCES is using its annual statement submittal process to fulfill this reporting requirement, and MCES requires recordkeeping for three years, dental offices should maintain copies of their three most recent annual statements.

Dental offices must maintain a copy of their log for at least the latest 3-year time-period.

The dental office must maintain a copy of the operating manual for their current amalgam separator. Further, MCES recommends that each office also maintain a copy of the separator installation instructions.

Other MCES Amalgam Recovery Program Information

MCES Communications with Dental Offices Using e-mail:

Given that MCES expects to communicate important program information via a “group delivery” system, you will see e-mails showing “Metropolitan Council” as the sender. The e-mail address of the sender will be: METC@public.govdelivery.com Please add this e-mail to your address book and safe sender list.

Opening A New Dental Office:

If you open a new office, please contact MCES right away so that we can ensure that all MCES and EPA requirements are met. New offices must have an amalgam separator in place upon start-up. The separator must be one that has been approved and listed by the Minnesota Pollution Control Agency.

Dental Office Remodeling or Moving:

If an existing office moves (or remodels such that the existing amalgam separator is taken out of service), an approved separator listed by the MPCA must be installed and operated upon resuming dental practice operations.

Please notify MCES right away if you are aware of any of the following:

If you operate an existing dental office within the seven-county Minneapolis & St. Paul metropolitan area that is not registered with MCES, or
If there is a sale, merger, ownership change, or closure of an existing office.

Minnesota Pollution Control Agency List of Approved Amalgam Separator Models:

MPCA, with the assistance of MCES, maintains a list of approved amalgam separators models. MCES relies on this list for determining what separator models are acceptable for installation in dental offices within MCES’ service area. To maintain the benefits of MCES’ Amalgam Recovery Program, dental offices must install and properly operate an approved amalgam separator and submit annual statements. (The Program benefits include: no wastewater permit, no permit fees, no wastewater sampling/analysis, and mercury limit variance.) MPCA’s list of approved separator models may be found on MPCA’s website:
<https://www.pca.state.mn.us/quick-links/managing-dental-waste>

New Online Reporting Requirement:

MCES requires that all dental offices in its service area enroll in and submit annual statements via the MCES Industrial Online Reporting System (IORS), in place of paper copy annual statement submittals. You should have received an e-mail from MCES regarding this new requirement, and you should have completed the IORS enrollment process. (If not done, you should now be in the process of completing the enrollment process, which includes submitting an Electronic Signature Agreement.) If you have questions related to IORS or the Electronic Signature Agreement, please contact our IORS Support Team at MCESIndustrialOnlineReporting@metc.state.mn.us, or 651-602-4789.

MCES Site-Checks of Dental Offices:

MCES began conducting Site-Checks at a limited number of dental offices in 2017. MCES expects to continue Site-Checks in 2018, and likely beyond. No details have been finalized as to the number of offices to be visited, or the frequency. You will be notified if MCES plans to conduct a Site-Check at your office. This is a routine function we perform at virtually all the other businesses we oversee.

For general questions, please contact Peter Berglund at peter.berglund@metc.state.mn.us or 651-602-4708.

