

Continued QUESTIONS & ANSWERS

Is the amalgam collected in the separator considered a hazardous waste under the Resource Conservation and Recovery Act (RCRA)?

Yes. The amalgam collected in a separator is likely to be a hazardous waste under RCRA due to the mercury and silver content of the amalgam. However, dental offices producing less than 100 kg of hazardous waste/ month AND less than 1 kg of acute hazardous waste per month are considered "Very Small Quantity Generators" (VSQGs are regulated under [§ 262.14](#)) and are exempt from most RCRA requirements for the disposal of their hazardous waste (Note that VSQGs were formerly called "conditionally exempt small quantity generators" (CESQGs) but were renamed in November 2016). EPA generally does not expect dental offices collecting amalgam waste to be above the VSQG threshold.

A generator must count all of the hazardous waste it generates in a calendar month, not just the amount of amalgam, to determine what RCRA generator category is appropriate. If you believe you may qualify as a "Small Quantity Generator" (dental office that produces 100-1000 kg of hazardous waste per month AND less than 1 kg acute hazardous waste per month) or a "Large Quantity Generator" (dental office generates more than 1000 kg of hazardous waste per month OR more than 1 kg of acute hazardous waste per month), please contact your state hazardous waste authority to understand your requirements for the management of hazardous waste. Links to state environmental agencies are on EPA's website at www.epa.gov/hwgenerators/links-hazardous-waste-programs-and-us-state-environmental-agencies

My practice now changing ownership. Do I or the new owner need to submit a one-time compliance report?

Yes. If a dental discharger transfers ownership of the facility, then the new owner must submit a new one-time compliance report to the Control Authority. See above for compliance deadlines and [§ 441.50\(a\)\(4\)](#).

Does the prohibition on the use of oxidizing or acidic cleaners in dental unit water lines apply to cleaners used in the water supply lines that connect to items such as handpieces, ultrasonic scalers or air/water syringes?

No. The purpose of the best management practice (BMP) specified in [§ 441.30\(b\)\(2\)](#) is to prohibit the use of cleaners that solubilize mercury from dental amalgam in the wastewater lines in a dental facility. In developing the rule, EPA did not evaluate the use of cleaning products that may be used in dental equipment that is connected to water supply lines such as hand pieces, ultrasonic scalers, or air/water syringes. While de minimus amounts of such products may eventually be indirectly discharged through a wastewater line in a dental facility, the prohibition in [§ 441.30\(b\)\(2\)](#) was not intended to prohibit dental unit water line cleaning products when those products are used in water supply lines to ensure the safety of the water that dentists place in their patient's mouth.

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Frequently Asked Questions on the Dental Office Category Rule

EPA DEVELOPED THESE FAQs BASED ON THE DENTAL OFFICE CATEGORY RULE AT
[40 CFR PART 441](#).



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
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Frequently Asked Questions on the Dental Office Category Rule



In June 2017, the U.S. Environmental Protection Agency (EPA) promulgated their final Dental Effluent Guidelines Rule under the Clean Water Act, which requires installation of amalgam separators at most dental practices. These pretreatment standards are meant to reduce discharges of mercury from dental facilities that discharge into publicly owned treatment works (POTWs). POTWs are usually municipal owned wastewater treatment systems that treat domestic sewage. The Dental Office Category regulation is codified at 40 CFR Part 441 and can be read in depth on the EPA website.

The Mississippi Department of Environmental Quality (MDEQ) is the “Control Authority” responsible for managing the certifications and compliance reports that are required by the Dental Office Category Rule. MDEQ is developing program guidelines and requirements to incorporate the federal requirements into existing state programs and the agency will be conducting outreach through the SBEAP to dental facilities around the state in the near future. Updates with more information will also be provided to the MS Dental Association for dissemination.

If you have concerns about the Dental Office Category Rule and how the state of Mississippi will enforce it, please contact **MDEQ Office of Pollution Control, Christopher Messemore at 601-961-5647** or **MDEQ Office of Community Engagement, Trayce Thomas at 601-961-5793**.

Who must comply with this rule?

The vast majority of dental facilities that discharge wastewater into a publicly owned treatment works (POTW) (e.g., municipal sewage system) are subject to this rule (“dental dischargers”). However, there are some exceptions.

Dental dischargers that do not place dental amalgam, and do not remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances are exempt from any further requirements as long as they certify as such in a one-time compliance report to their Control Authority.

Dental dischargers that exclusively practice one or more of the following specialties are not subject to any of the rule’s requirements, including submission of a one-time compliance report to their Control Authority:

- Oral pathology
- Oral and maxillofacial radiology
- Oral and maxillofacial surgery
- Orthodontics
- Periodontics
- Prosthodontics

Additionally, mobile units are not subject to any of the rule’s requirements, including submission of a one-time compliance report to their Control Authority. A mobile unit is a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations. Dental facilities that do not discharge their amalgam process wastewater into a POTW are also not subject to any of the rule’s requirements, including submission of a one-time compliance report to their Control Authority. For example, dental facilities that discharge amalgam process wastewater into a septic system are not subject to this rule. To determine if the EPA rule applies to your facility, see [§ 441.10 \(Applicability\)](#).

What are the basic requirements of the rule?

The requirements for dental dischargers subject to the rule are detailed in the rule. Here, they are summarized as follows:

- Ensure the removal of dental amalgam solids from all amalgam process wastewater via amalgam separator(s) or equivalent device(s) that meet the standard of the final rule. See [§ 441.30\(a\)\(1-2\)](#) for an existing source and [§ 441.40](#) for a new source.
- Implementation of two best management practices. See [§ 441.30\(b\)](#) for an existing source and [§ 441.40](#) for a new source.
- Comply with reporting requirements. See [§ 441.50\(a\)](#).
- Maintain and make available for inspection certain records documenting compliance. See [§ 441.50\(b\)](#).

What are the compliance deadlines?

Dental dischargers (under any ownership) that were discharging into municipal sewage systems prior to July 14, 2017 (“existing sources”) must be in compliance with the standards by July 14, 2020, and submit a one-time compliance report certifying such by October 12, 2020.

Dental dischargers whose first discharge to a municipal sewage system occurs after July 14, 2017 (“new sources”) must be in compliance with the standards immediately and submit a one-time compliance report certifying such within 90 days after first discharge to a POTW.

Does this rule have recordkeeping requirements for dental dischargers?

Yes. In Mississippi, dental dischargers must maintain for a minimum of three years: 1) inspections, and results of each inspection of the amalgam separator(s); 2) Documentation of amalgam retaining container replacement; 3) Documentation of all dates that collected dental amalgam is picked up/shipped for disposal, and the name of the disposal facility receiving the amalgam retaining containers; 4) Documentation of any repair/replacement of an amalgam separator, 5) Manufacturers operating manual for the current amalgam separator. For more details about the recordkeeping requirements see [§ 441.50](#).

Does this rule have inspection or maintenance requirements for dental dischargers?

Yes. The amalgam separator(s) must be inspected in accordance with the manufacturer’s operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s). See [§ 441.30](#) for more details.

Where should dental dischargers send their one-time compliance report?

Who is my “Control Authority?”

The Control Authority in Mississippi is the MS Department of Environmental Quality. Dentists should send their one-time compliance report to MS Department of Environmental Quality. The one-time compliance report can be found at www.mdeq.ms.gov/dentalrule. You may also contact Small Business Environmental Assistance Program Coordinator, Trayce Thomas at 601-961-5793 or MDEQ Office of Pollution Control, Christopher Messemore at 601-961-5647.

What information must be in my one-time compliance report?

The MS Department of Environmental Quality has developed a one-time compliance report that requests information needed to certify compliance with the Rule. The one-time compliance report for dental dischargers subject to this part that do not place or remove dental amalgam as described at [§441.10\(f\)](#) must include the: facility name, physical address, mailing address, contact information, name of the operator(s) and owner(s); and a certification statement that the dental discharger does not place dental amalgam and does not remove amalgam except in limited circumstances.

MDEQ is also requiring specific information about the amalgam separator, such as make and model.

What are the correct dates that are relevant to the grandfathering provision in § 441.30(a)(1)(iii)?

In the original Federal Register publication of the final rule, there was a typographical error in one of the dates in the grandfathering provision. The corrected version of the provision is: “A dental discharger subject to this part that operates an amalgam separator that was installed at a dental facility prior to June 14, 2017, satisfies 3 the requirements of paragraphs (a)(1)(i) and (ii) of this section until the existing separator is replaced as described in paragraph (a)(1)(v) of this section or until June 14, 2027, whichever is sooner.”

Do I have to replace my existing separator?

It depends. [§ 441.30\(a\)\(1\)\(iii\)](#) of the rule allows dental dischargers that had installed and were using an amalgam separator prior to June 14, 2017 to continue to use it until June 14, 2027 if it is functioning properly and does not need to be replaced. This is referred to as a “grandfathering” provision or clause. The facility must still file a one-time compliance report certifying such by October 12, 2020. If the amalgam separator meets the standards of the rule, see [§ 441.30\(a\)\(1-2\)](#), the grandfathering provision need not apply.

If a dental discharger covered by the grandfather clause transfers ownership, the new owner may continue using the grandfathered separator until June 14, 2027 if it is functioning properly and does not need to be replaced. The new owner must still file the one-time compliance report.