

NYS Dentists Need to Re-File Amalgam Separator Forms

In 2017, the United State Environmental Protection Agency (EPA) issued its final regulations regarding amalgam separators in dental offices. This regulation largely mirrors the existing New York State regulation in place from the Department of Environmental Conservation (DEC).

Those dental offices that have been in compliance with DEC's 2006 regulation do not need to change anything in their offices to comply with the new EPA regulation. They do, however, need to re-file a new certification form by October 12, 2020.

What Did the EPA Require?

- Prohibits providers from flushing waste amalgam, such as from traps or filters, down a drain
- Prohibits the use of bleach or chlorine-containing cleaners that may lead to the dissolution of solid mercury when cleaning chair-side traps and vacuum lines.
- Requires the installation of an amalgam separator if you place or remove amalgam.

Where Can I find the Certification Form I Need to Re-file?

DEC has the form on their website and a link to it is also on the New York State Dental Association (NYSDA) website. You can find the form here:

https://www.dec.ny.gov/docs/water_pdf/dentalform.pdf

Where Should the Form be Sent?

DO NOT send it to the DEC. As was the case in 2006, the certification form needs to be sent to your local municipal water/sewer authority, also known as the publicly owned treatment works (POTW). If you own your building, it is to whom you pay the water/sewer bill. Sometimes it is the municipality itself; e.g. city or county. Sometimes the water district covers different areas.

For dental offices in New York City, there is a specific form:

<https://www1.nyc.gov/site/dep/water/amalgam-separators-dental-industry.page>

And, this form should be sent to:

New York City Department of Environmental Protection
Attn: Industrial Inspections and Permitting
Bureau of Wastewater Treatment
96-05 Horace Harding Expressway, 1st Floor
Corona, NY 11368-5107
Fax: (718) 595-4771
Email: bwt-pretreatment@dep.nyc.gov

Are Certain Specialties Still Exempt?

Yes. The EPA regulation exempts the same specialties that were exempted under the DEC regulation:

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

- Periodontics
- Prosthodontics

If I Never Place Amalgam, Am I Exempt?

The EPA rule states that dentists that do not place or remove amalgam except in "limited circumstances" as a frequency of less than five percent of their procedures, would be exempt from further requirements of the rule. In that instance, the dentist would only need to file a one-time compliance report. The NYS regulation also exempts those dentists that neither place nor remove amalgam, however, they do not mention a minimum level necessary to achieve this exemption. Hence, some POTWs may require a separator for **any** amalgam placement or removal activity.

Am I Exempt if my Office uses Septic/Cesspool?

Dental facilities that are on septic systems should complete a form and keep it in their records.

Recycling the Amalgam Waste

All dental amalgam waste and elemental mercury generated by the dental facility must be sent for mercury recycling. Written or electronic certification from the collection service or recycler must be obtained by the dental facility, documenting:

1. the name and address of the collection service;
2. the amount, by weight, of dental amalgam waste and elemental mercury collected and the date it was collected; and
3. the name and address of the facility where the dental amalgam waste and elemental mercury will ultimately be recycled, and certification that the mercury contained in the waste was destined for recycling.

How often does amalgam from the office need to be recycled?

Length of storage of dental amalgam waste within the dental facility must not exceed one year from the date waste was initially placed in the container. Thus, any scrap amalgam bucket or amalgam separator cartridge should be marked with the date when placed in service and then sent for recycling no longer than one year from that date.

More information on the NYS regulations can be found at the DEC website here:

<https://www.dec.ny.gov/chemical/8849.html>

<https://www.dec.ny.gov/chemical/8846.html>