

CENTRAL MARIN SANITATION AGENCY

Ordinance No. 2009-2

AN ORDINANCE MINIMIZING DISCHARGE OF MERCURY TO THE SANITARY SEWER

SECTION 1 – INTRODUCTION

The Commission of the Central Marin Sanitation Agency of Marin County does adopt as follows:

This ordinance shall be known as the “Mercury Reduction Ordinance of the Central Marin Sanitation Agency” and may be so cited and pleaded.

This ordinance is adopted pursuant to provisions of Section 6400 *et. seq.* of the Health and Safety Code of the State of California.

SECTION 2 - PURPOSE AND POLICY

- A. Mercury is a toxic metal that bioaccumulates in several species of fish in San Francisco Bay, making them unsafe for human consumption. During 2007 the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Mercury Watershed Permit to control discharge of mercury into the Bay. The Permit requires Central Marin Sanitation Agency (Agency or CMSA) and other publicly owned treatment works to implement mercury control strategies.

Dental amalgam is the largest controllable source of mercury to the CMSA service area. Dental amalgam is approximately 50% mercury, mixed with silver and other metals. When installing, repairing or removing amalgam fillings, dentists discharge amalgam wastes to the sanitary sewer. This Ordinance is intended to significantly reduce the quantity of mercury entering the Agency’s Water Pollution Control System.

- B. Agency Ordinance No. 2009-1, “Sewer Use Ordinance of the Central Marin Sanitation Agency” adopted by the governing Commission of CMSA on September 9, 2009 (updating Ordinance No. 95-1), regulates the discharge of wastes into the Agency’s Water Pollution Control System. General Discharge Prohibitions, Section 3.A.3., of the Ordinance prohibits the discharge of wastes which will cause pass-through of the Water Pollution Control System. Authorities of the General Manager, Section 4.B.10., and Inspection and Monitoring, Section 7.D., give the Agency authority to require sewer users to install pretreatment equipment as necessary to bring their discharges into compliance with the Ordinance. Sections 4.B.7, 4.B.9, and 7.A. give the Agency staff authority to

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perform inspections on the premises of sewer users and to review user records relevant to sewer discharge.

SECTION 3 - DEFINITIONS

Amalgam separator- is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer.

Amalgam waste- means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

ISO 11143- is the International Organization for Standardization's standard for amalgam separators.

SECTION 4 – Waste Management Practices

All owners and operators of dental facilities that remove, repair or place amalgam fillings shall comply with the following waste management practices:

- (a) No person shall rinse chairside traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer.
- (b) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and shall document how training is being provided to staff. Training records shall be available for inspection by an authorized representative of the Agency during normal business hours.
- (c) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
- (d) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
- (e) The use of bulk mercury is prohibited. Only precapsulated dental amalgam is permitted.

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SECTION 5 – Amalgam Separators

All owners and operators of dental vacuum suction systems, except as set forth in Section 6 of this Ordinance, shall comply with the following:

(a) An amalgam separator device certified in accordance with ISO 11143, or the most recent standard promulgated by ISO for amalgam separators, shall be installed for each dental vacuum suction system on or before December 31, 2010; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

(b) All amalgam separators installed pursuant to 5(a) above shall be on the “Bay Area Pollution Prevention Group (BAPPG) List of Accepted Amalgam Separators,” May 2009 or any more recent revision. For amalgam separators installed prior to the date of this ordinance, approval may occur by the Agency on a case by case basis and separators must meet the standards of 5(a) above.

(c) Certification of installation shall be submitted to the Agency within 30 days of installation of the separator. A form will be provided by the Agency and must be completed for demonstration of certification.

(d) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Records documenting separator maintenance and disposal or recycling of amalgam waste shall be available for inspection upon request by an authorized representative of the Agency during normal business hours.

SECTION 6 - Exemptions

The following types of dental practice are exempt from Section 5 above, provided that removal, repair or placement of amalgam fillings occurs at the facility no more than 3 days per year: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

SECTION 7 - Effective Date

This ordinance shall be effective thirty (30) days after its passage. Before the expiration of fifteen (15) days after its passage, it shall be published once, with the names of the members voting for and against it, in the Marin Independent Journal, a newspaper of general circulation published within the Agency boundaries.

PASSED AND ADOPTED this 8th day of December, 2009.
by the following vote:

AYES:
NOES:
ABSENT:

Attest:

Secretary

Chairperson