



Implementation of General Permits for Dental Clinics

Business Item 2022-308



Proposed Action

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

Background

MCES' Partnership with Minnesota Dental Association (MDA)

- Began in 1998 with studies to evaluate the effectiveness of amalgam separators in reduce mercury loadings from dental clinics
- Voluntary program established and approved by Council in 2002

Expectation of Dental Clinic	Benefits Received
<ol style="list-style-type: none">1. Install an approved amalgam separator with a 99% removal efficiency2. Operate and maintain separator according to manufacturer specifications3. Follow Best Management Practices for managing dental wastes4. Submit an annual certification statement to MCES each year by June 30	<ol style="list-style-type: none">1. Variance from our local limit for mercury2. Exemption from being issued an industrial discharge permit3. Exemption from self-monitoring requirements

- Certificate of Compliance have been issued every five years since 2003
- Results: 67% reduction in influent mercury loading to Metro Wastewater Treatment Plant (WWTP)

Impact of EPA Dental Rule

EPA Promulgates Federal Rule

- 40 CFR Part 441 – Dental Office Point Source Category was promulgated in 2017
- Required installation of an amalgam separator with a minimum removal efficiency of 95%
 - Minnesota's minimal removal efficiency is 99%
- Dental offices were given three years to comply

Status of Program Today



- Over 800 dental clinics are in our Amalgam Recovery Program
- 2023 is a certificate renewal year
- Periodic inspections are needed to ensure the dental clinics are properly operating and maintaining their separators
- Submittal of the annual certification statement is required every June 30
 - ~20% miss the deadline every year
 - Many are repeat offenders year after year
 - Significant resources are needed to ensure these clinics submit their certification each year

Impact and Benefits of Proposed Change

Issue General Permit with a Certificate of Compliance

- General Permits have been a successful tool for target industry types
 - Best Management Practices are used to minimize the impact to our collection system and wastewater treatment plants
 - Self-monitoring is not required
 - Lowers the regulatory and administrative burden for industry and MCES
- Permit allows for an enforcement path when dental clinics do not submit their annual certification statement
 - A Notice of Violation with an administrative fee would be issued only to clinics who do not submit their statement on time
- No permit fee is proposed for dental clinics
- Dental clinics will retain the variance for meeting the local limit for mercury
- Minnesota Dental Association is supportive of these changes and will help us with communication to their membership

Recommended 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).

Questions

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