

ORDINANCE 21-5749

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING AN ARTICLE TO BE NUMBERED 26-800, AND SECTIONS, PROVIDING FOR WASTE MANAGEMENT OF DENTAL AMALGAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. That Chapter 26, WATER AND WASTEWATER UTILITIES of the Billings, Montana City Code (BMCC) is amended by adding Article 26-800 and Sections to read as follows:

ARTICLE 26-800. DENTAL AMALGAM

Sec. 26-801. Definitions.

a) *Dental Amalgam.* Dental amalgam is a liquid mercury and metal alloy mixture used in dentistry to fill cavities caused by tooth decay. Low- copper dental amalgam commonly consists of mercury, silver, tin, zinc, and other trace metals.

b) *Existing dental amalgam source.* All dental facilities or offices that were discharging dental amalgam prior to July 14, 2017 to the City. Existing sources must have been in compliance with the standards by July 14, 2020 and must have submitted a one-time certified compliance report by October 12, 2020 to the City. In the event that ownership is transferred, a new one-time certified compliance report must be submitted by the new owner within 90 days of the transfer to the City.

c) *New dental amalgam source.* All dental facilities or offices that discharged dental amalgam after July 14, 2017 to the City. New sources also include any ownership transfer of an existing dental facility or office after July 15, 2020. All new sources must be in compliance with the waste management practices and record retention requirements set forth in this article and must submit a one-time certified compliance report to the City within 90 days after the first discharge to the City or within 90 days of any ownership transfer by the new owner.

Sec. 26-802. Dental Amalgam Mercury Reduction.

a) This article applies to all owners or operators of dental facilities or offices that remove, repair or place dental amalgam fillings. Owners and operators of dental facilities or offices that do not place or remove dental amalgam except in limited emergency, unplanned or unanticipated circumstances need only to submit the one-time compliance form by the dates set forth in Sec. 26-801 subsection b) and c). If work in a dental office is limited to work that does not involve placing or removing dental amalgam, such as oral pathology, orthodontics, periodontics, oral and maxillofacial surgery/radiology, endodontics, or prosthodontics, then this article does not apply.

b) All owners and operators of dental facilities or offices shall implement the basic requirements for dental amalgam management established by the United States Environmental Protection Agency Dental Office Point Source Category 40 CFR Part 441, and set forth in Sec. 26- 803, BMCC.

Sec. 26-803. Waste Management Practices.

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

- a) Operate and maintain an amalgam separator that meets the criteria of 40 CFR 441.30, 441.40, and ISO 11143 according to the manufacturer's instructions. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
- b) Do not discharge any dental amalgam to a publicly owned treatment works (as defined in Sec. 26-602). Waste must be collected in the separator and a separate amalgam waste bucket which will be hauled offsite as dental amalgam waste.
- c) Lines must not be cleaned with oxidizing or acidic cleaners including but not limited to bleach, chlorine, iodine, and peroxide. Cleaners must have a pH between 6-8.
- d) Adhere to all compliance reporting requirements listed in Sec. 26- 804.
- e) Complete and submit the City-provided compliance report forms for reporting the required information in Sec. 26-804.
- f) If a malfunction with the amalgam separator is discovered, this malfunction

must be documented and repaired or replaced within 10 business days.

Sec. 26-804. Record Retention.

- a) The manufacturer's user manual must be retained for the life of the amalgam separator, be posted near the amalgam separator, and be made available for review during all City inspections.
- b) Amalgam separator logs including logged inspections, routine maintenance, and repairs must be posted near the amalgam separator and retained for a period of at least three (3) years from the present date and be made available for review during all City inspections. The amalgam separator must be inspected according to the user manual to ensure proper operation and maintenance; this inspection must be documented on the amalgam separator log.
- c) Certificates verifying the proper disposal and recycling of dental amalgam waste buckets and containers from the amalgam separators must be retained for a minimum period of three (3) years from the present date and be made available for review during all City inspections.

Sec. 26-805. Compliance.

- a) The owners or operators of dental facilities or offices shall allow the City to inspect the amalgam separator, amalgam waste storage areas and all above listed compliance reports, logs, and records. Inspection shall occur during the normal operations schedule of the dental facility or office. The City shall inspect dental facilities or offices according to appointments made in advance if this advanced notice does not impede enforcement of this article.
- b) Any violation of this article may be considered a failure to comply with applicable federal standards and requirements and may constitute a violation of the Clean Water Act, and may also subject the owner or operator of a dental facility or office to the compliance and enforcement provisions set forth in Section 26-614.

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the 8th day of February, 2021.

PASSED, ADOPTED and APPROVED on second reading the 22nd day of February, 2021.

CITY OF BILLINGS

BY: William A. Cole
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

