

## **Dental Amalgam Rule FAQ**

### **1. How do I know if this rule applies to me?**

The rule applies to dental dischargers, which are dental offices that discharge wastewater to a Publicly Owned Treatment Works (POTW). POTWs are treatment works (e.g., wastewater treatment plants) that are owned by a State, City, or Municipality. For dischargers on Oahu, the City and County of Honolulu (CCH) implements this rule. See [CCH's Dental Amalgam Rules Page](#) for CCH's requirements. For dischargers not on Oahu, the Department of Health (DOH), Clean Water Branch (CWB) implements this rule.

If you discharge to an applicable POTW (see [CWB's Dental Amalgam Rules Page](#) for a list of applicable POTWs) on the other islands, you are subject to this rule, unless you meet an exemption criterion.

### **2. What are the exemptions?**

If you meet one of the following criteria, you are exempt from this rule:

- 1) Dental dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
- 2) Discharges from mobile units operated by dental dischargers.
- 3) Dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a Centralized Waste Treatment facility as defined in Code of Federal Regulations Title 40 Part 437 (40 CFR Part 437).

If you meet any of these criteria, no further action is required.

### **3. I don't meet one of the exemptions listed above, but I do not work with amalgam at my facility. Am I also exempt from this rule?**

Dental dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances are required to submit a one-time compliance form certifying that they meet these criteria. The form shall be submitted no later than October 12, 2020 or 90 days after transfer of ownership. You are otherwise exempt from any further requirements of this rule (i.e., installation and operation of an amalgam separator). The compliance form must be kept on record for lifetime of practice ownership or until transfer of ownership.

**4. Based on the above, I am required to comply with this rule. What do I have to do to be in compliance?**

You are required to:

- 1) Properly install, operate, and maintain a compliant amalgam separator.
- 2) Submit a one-time compliance form.
- 3) Maintain 3 years of applicable records on site.

**5. What is a compliant amalgam separator?**

The amalgam separator must comply with the standards specified in [40 CFR Part 441.30](#). This also includes compliance with the following best management practices:

- 1) Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices must not be discharged to a POTW.
- 2) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a POTW must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.
- 3) Properly maintain and inspect the separator in accordance with manufacturer specifications.

**6. Is there a deadline to install a compliant amalgam separator?**

Dental dischargers (under any ownership) that were discharging into POTWs 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 POTW 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.

**7. How do I submit a one-time compliance form, and is there a deadline for submitting the compliance form?**

The one-time compliance form is accessible from [CWB's Dental Amalgam Rules Page](#). Instructions on how to submit the form are provided on the form.

For existing dental offices discharging to a POTW prior to July 14, 2017, you must submit a one-time compliance form to the CWB no later than October 12, 2020, or 90 days after a transfer of ownership.

For dental offices discharging to a POTW after July 14, 2017, you must submit a one-time compliance form to the CWB no later than 90 days following the introduction of wastewater into a POTW.

**8. What records need to be maintained for a minimum of three years?**

- 1) Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions, if needed.
- 2) Documentation of amalgam retaining container or equivalent container replacement (including the date, as applicable).
- 3) Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.
- 4) Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
- 5) Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.

You are also required to maintain the one-time compliance report and make it available for inspection in either physical or electronic form for as long as the dental discharger subject to the rule is in operation or until ownership is transferred.

**9. I already have an amalgam separator that was installed prior to June 14, 2017. Am I in compliance with the rule?**

You must submit a one-time compliance form no later than October 12, 2020 or 90 days after a transfer of ownership. The separator is considered in compliance with this rule (provided best management practices are followed) until the separator needs to be replaced due to malfunction or until June 14, 2027, whichever is sooner. You must also comply with all other requirements of this rule (i.e., recordkeeping, proper maintenance, etc.).

**10. How can I contact CWB if I have additional questions?**

The CWB can be contacted by email at: [CleanWaterBranch@doh.hawaii.gov](mailto:CleanWaterBranch@doh.hawaii.gov).  
The CWB can also be contacted by phone at (808) 586-4309, Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m.