

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 57 OF THE HOLLYWOOD CODE OF ORDINANCES ENTITLED "INDUSTRIAL PRETREATMENT" TO PROVIDE REGULATIONS FOR DENTAL FACILITIES DISCHARGE OF DENTAL AMALGAM AND UPDATE THE GENERAL DISCHARGE STANDARDS.

WHEREAS, Chapter 57 of the Hollywood Code of Ordinances establishes the regulations related to industrial pretreatment; and

WHEREAS, the Federal Department of Environmental Protection Agency ("FDEP") has adopted Rule 40 CFR Part 441 addressing the requirements for dental facilities and offices that discharge dental amalgam wastewater into a publicly owned treatment works such as municipal sewage system; and

WHEREAS, FDEP has provided City staff with a list of dental businesses that will be effected by the rule requirements; and

WHEREAS, pursuant to Rule 62-625.500(2)(a) of the Florida Administrative Code, the City, as the Control Authority, has the legal authority to apply and enforce these additional requirements; and

WHEREAS, the Department of Public Utilities staff reviewed the current regulations and have determined that these regulations need to be updated in order to comply with FDEP's rule.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA.

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 57 of the Hollywood Code of Ordinances entitled "Industrial Pretreatment" is amended as follows<sup>1</sup>:

#### **TITLE V: PUBLIC WORKS**

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<sup>1</sup> Coding: Words in ~~struckthrough~~ type are deletions from existing text; underscored words are additions to existing text.

## CHAPTER 57: INDUSTRIAL PRETREATMENT

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### § 57.02 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

\* \* \*

#### **GRAB SAMPLE.**

\* \* \*

**HAZARDOUS WASTE PHARMACEUTICAL.** A pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations, Section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.

**HEALTHCARE FACILITY.** Any person that is lawfully authorized to: (a) provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or (b) distribute, sell, or dispense pharmaceuticals. This definition includes but is not limited to wholesale distributors, third party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

\* \* \*

#### **pH.**

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**PHARMACEUTICAL.** Any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes but is not limited to dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.

\* \* \*

**REMOVAL.**

\* \* \*

**REVERSE DISTRIBUTOR.** Any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

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**§ 57.05 GENERAL SEWER USE REQUIREMENTS.**

\* \* \*

(B) No user shall introduce or cause to be contributed, the following substances to the POTW:

\* \* \*

(23) Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributors.

\* \* \*

**§ 57.06 PRETREATMENT OF WASTEWATER.**

\* \* \*

**(E) Requirements for dental facilities that remove or place amalgam fillings.**

(1) For the purposes of this section following words and phrases shall be as defined as follows:

**AMALGAM SEPARATOR.** 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 sewer.

**AMALGAM WASTE** shall mean and include 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.

**ANSI/ADA STANDARD NO. 108.** The American National Standards Institute and American Dentistry association standard for amalgam separators.

**EXISTING SOURCE.** Any facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017.

**ISO 11143.** The International Organization for Standardization's standard for amalgam separators.

**NEW SOURCE.** Any facility subject to this Section whose first discharge to the sewer system occurs after July 14, 2017 and must comply immediately upon commencement of discharge.

(2) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:

- (a) For existing sources, the One-Time Compliance Report is due no later than October 12, 2020 or no later than 90 days after transfer of ownership.
  - (b) For new sources, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.
  - (c) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
  - (d) Owners and operators of dental facilities shall ensure that all staff who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the Director or designee during normal business hours.
  - (e) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
  - (f) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
  - (g) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.
- (3) All owners or operators of dental vacuum suction systems, except as set forth in subsections (4) and (5) of this section, shall comply with the following:

(a) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; 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 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 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) Proof of certification and installation records shall be submitted to the Director or designee within 30 days of installation.

(c) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the Director or designee during normal business hours. Records shall be maintained for a minimum of three years.

(4) Facilities with vacuum suction systems that meet all of the following conditions may apply to the Director or designee for an exemption to the requirements of subsection (3) above:

- (a) The system is a dry vacuum pump system with an air-water separator.
- (b) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
- (c) Evidence of regular pump outs by a license hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the Director or designee during normal business hours.
- (d) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (a) through (d) may apply for this exemption by written letter to the Director or designee. The Director or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption. An exemption obtained pursuant to this subsection (4) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (3) above before commencing further operations.

- (5) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (a) Orthodontics; (b) Periodontics; (c) Oral and maxillofacial surgery; (d) Radiology; (e) Oral pathology or oral medicine; and (f) Endodontistry and prosthodontistry.
- (6) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:
- (a) Submits the following statement to the City, signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadlines identified in this Section 57.06(E)(2):
- “This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of §403.12(I) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the persons who manage the system, or those persons directly responsible for gathering the information, the information is submitted is, to best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
- (b) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than nine times per year and as no more than 5% of dental procedures; and
- (c) The dental practice notifies the City of any changes affecting the applicability of this certification.
- (7) Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited in accordance with Section 57.06(D)(2) of the City's Code of Ordinances.

- (8) Dental dischargers that fail to comply with this Section will be considered significant industrial users, and will be subject to the requirements herein, including the compliance monitoring, reporting requirements, and enforcement remedies identified herein.

Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this Ordinance may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on \_\_\_\_\_, 2020.

PASSED on the first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ADOPTED on the second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance  
of the City of Hollywood, Florida, only.

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DOUGLAS R. GONZALES  
CITY ATTORNEY