

ORDINANCE NO. 10-03

ORDINANCE ADDING SECTION 2.15 TO CHAPTER 11,
ARTICLE 3, SECTION 400, APPENDIX "A" OF THE
HAYWARD MUNICIPAL CODE RELATING TO DENTAL
AMALGAM RECOVERY PROGRAM ORDINANCE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD
DOES ORDAIN AS FOLLOWS:

Section 1. Upon the effective date of this ordinance, Chapter 11, Article 3, Section 400, Appendix "A", known as the Wastewater Discharge Regulations of the Hayward Municipal Code is hereby amended to add a new Section 2.15, and which is hereby enacted to read in full as follows:

ARTICLE 3

SECTION 400

APPENDIX "A"

WASTEWATER DISCHARGE REGULATIONS OF THE CITY OF HAYWARD

Chapter 2
REGULATIONS

CITY OF HAYWARD
DENTAL AMALGAM RECOVERY PROGRAM ORDINANCE

- 2.15 REQUIREMENTS FOR DENTAL FACILITIES
 THAT REMOVE OR PLACE AMALGAM FILLINGS
- 2.15.1 DEFINITIONS
- 2.15.2 BEST MANAGEMENT PRACTICES
- 2.15.3 AMALGAM SEPARATOR REQUIREMENTS
- 2.15.4 EXEMPTIONS

ARTICLE 3

SECTION 400

APPENDIX "A"

WASTEWATER DISCHARGE REGULATIONS OF THE CITY OF HAYWARD

Chapter 2
REGULATIONS

CITY OF HAYWARD

DENTAL AMALGAM RECOVERY PROGRAM ORDINANCE

(Added by Ordinance No. 10-03, adopted January 26, 2010)

2.15 Requirements for Dental Facilities that Remove or Place Amalgam Fillings. This section shall be known and may be cited as the Dental Amalgam Recovery Program Ordinance of the City of Hayward.

2.15.1 Definitions. For the purposes of this section, the following definitions shall apply:

- (a) 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.
- (b) Amalgam waste. 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.
- (c) ISO 11143. The International Organization for Standardization's standard for amalgam separators.

2.15.2 Best Management Practices. All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:

- (a) Segregate amalgam containing waste. Amalgam waste must never be placed in the regular trash, placed with infectious (red bag) waste, or flushed down the drain or toilet.

- (b) Eliminate all use of bulk elemental mercury (also referred to as liquid or raw mercury). Any bulk elemental mercury must be recycled or disposed of as hazardous waste.
- (c) Use only pre-capsulated dental amalgam in the smallest appropriate size; keep a variety of amalgam capsules on hand to more closely match the amount needed in a restoration.
- (d) Change or empty chair-side traps frequently and store the trap and its contents with amalgam waste. Never rinse traps in the sink. If you have reusable traps, make sure any material you use to clean the trap is disposed of with amalgam waste.
- (e) Do not use sodium hypochlorite (bleach) and other chlorine-containing products to cleanse vacuum lines, as these products have been shown to release the mercury in the amalgam. Information on non-bleach line cleaners can be found at www.baywise.org.
- (f) Change vacuum pump filters and screens as needed or as directed by the manufacturer. Seal and store filters and screen, as well as their contents (including any water that may be present), with amalgam waste in an airtight container.
- (g) For dry vacuum turbine vacuum units, have a qualified maintenance technician, licensed amalgam recycler or hazardous waste disposal service pump out and clean the air-water separator tank at least once per six months. Perform this service more frequently if necessary to maintain suction or if so directed by the vacuum system manufacturer.
- (h) Have a licensed recycling contractor, mail-in service, or hazardous waste hauler remove your amalgam wastes. Recycling is the preferred method for disposal of amalgam wastes.
- (i) Obtain receipts or other documentation from your recycler or hazardous waste hauler of all amalgam waste recycling and disposal shipments. Keep these receipts on file for at least five years, and make them available to authorized City inspectors upon request.
- (j) Store amalgam waste in airtight containers. Follow recycler's or hauler's instructions for disinfection of waste and separation of contact and non-contact amalgam. Do not use disinfectant solutions with oxidizers, such as bleach, to disinfect the amalgam.
- (k) Use a licensed hauler to transport spent x-ray fixer solution to be recycled or managed as hazardous waste. Never pour fixer solution down the drain.

- (l) Train staff in the proper handling, management, and disposal of mercury-containing material and fixer solutions. Maintain a training log and keep this log for at least five years. This log must be made available to authorized City inspectors upon request.

2.15.3 Amalgam Separator Requirements. All owners and operators of dental vacuum suction systems, except as set forth in subsection 2.15.4 of this section, shall comply with the following:

- (a) An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before January 1, 2011; 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 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. For facilities that have installed amalgam separators on or before the effective date of this Ordinance that are not ISO-certified, they may be grandfathered in if it can be shown that the existing device provides amalgam removal similar to an ISO-certified system. Alternative materials and methods may be proposed to the Water Pollution Control (WPC) Administrator for approval.
- (b) Self- certification of Amalgam Separator Installation form issued by the City of Hayward shall be submitted to the WPC Administrator 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 by the WPC Administrator or designee during normal business hours.

2.15.4 Exemptions. The following types of dental practice are exempt from this section 2.15, provided that removal or placement of amalgam fillings occurs at the facility no more than 3 days per year:

- (a) Orthodontics
- (b) Periodontics
- (c) Oral and maxillofacial surgery
- (d) Radiology
- (e) Oral pathology or oral medicine
- (f) Endodontics and prosthodontics

Section 2. SEVERABILITY. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. EFFECTIVE DATE. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 19th day of January, 2010, by Council Member Dowling.

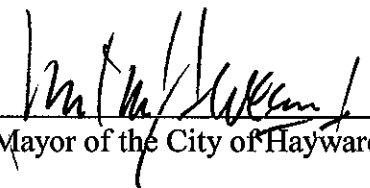
ADOPTED at a regular meeting of the City Council of the City of Hayward held the 26th day of January, 2010, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS: Zermeño, Quirk, Halliday, May, Dowling, Henson
MAYOR: Sweeney

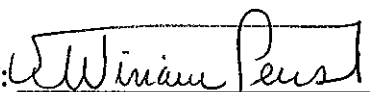
NOES: COUNCIL MEMBERS: None

ATTEST: COUNCIL MEMBERS: None

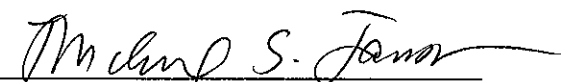
ABSENT: COUNCIL MEMBERS: None

APPROVED: 
Mayor of the City of Hayward

DATE: February 5, 2010

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward