

ORDINANCE 2020-41

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XX, UTILITIES CODE, CHAPTER 201, SEWER USE, SUBCHAPTER 'PRETREATMENT OF WASTEWATER', BY INCLUDING PROVISIONS RELATED TO THE DENTAL AMALGAM PROGRAM; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XX, Utilities Code, Chapter 201, Sewer Use, Subchapter 'Pretreatment of Wastewater', is hereby amended by including as Section 201.44 the following language:

>>"Section 201.44 DENTAL AMALGAM PROGRAM

(A) Definitions. For the purposes of this section the following words and phrases shall be as defined found in section 200 herein.

(B) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices by July 15, 2020.

(1) 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.

(2) For new sources, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.

(3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.

(4) Owners and operators of dental facilities shall ensure that all staff members 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 superintendent or designee during normal business hours.

(5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

(6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

(7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

(C) All owners and operators of dental vacuum suction systems, except as set forth in subsections (d) and (e) of this section, shall comply with the following:

(1) 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.

(2) Proof of certification and installation records shall be submitted to the Pretreatment Coordinator within 30 days of installation.

(3) 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 Pretreatment Coordinator or designee during normal business hours. Records shall be maintained for a minimum of three years.

(D) Facilities with vacuum suction systems that meet all the following conditions may apply to the Pretreatment Coordinator for an exemption to the requirements of subsection (c) of this section:

(1) The system is a dry vacuum pump system with an air-water separator.

(2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.

(3) Evidence of regular pump outs by a licensed 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 superintendent during normal business hours.

(4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

(E) An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the Pretreatment Coordinator. The Pretreatment Coordinator or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

(1) An exemption obtained pursuant to this subsection (d) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (c) of this section before commencing further operation.

(2) 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;

(f) Prosthodontistry.

(3) Dental mobile units are not subject to any of the rule's requirements, including submission of a one-time compliance report to their control authority.

(F) 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:

(1) Submits the following statement to the City of Palm Bay Pretreatment Coordinator, signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in the City of Palm Bay Ordinance Section § 201.102.

"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(l) 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 information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the 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."; and

(2) The dental practice notifies the City of Palm Bays Pretreatment Coordinator of any changes affecting the applicability of this certification.

(G) [If hauled waste is accepted] Disposal of hauled wastewater from dental facilities to the sanitary sewer must be in accordance with (enter section of ordinance that addresses hauled waste requirements, and section of ordinance that addresses hazardous waste requirements) and may be subject to industrial pretreatment requirements.

(H) [If hauled waste is prohibited] Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited in accordance with (enter section of ordinance that prohibits hauled waste).

(I) Dental dischargers that fail to comply with any of the requirements set forth in 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 in Sections §201.100 and §201.281, respectively." <<

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-23, held on July 2, 2020; and read in title only
and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.