

Temp. Ord. No. O1753
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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 20-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING CHAPTER 21, ARTICLE III, DIVISION 2, “SEWER USE REGULATIONS”, SECTION 21-93 “INDUSTRIAL PRETREATMENT PROGRAM” OF THE CODE OF ORDINANCE OF THE CITY OF MIRAMAR TO INCLUDE NEW FEDERAL AND STATE PRETREATMENT REGULATIONS FOR DENTAL OFFICE DISCHARGES AND PHARMACEUTICAL HAZARDOUS WASTE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING THAT OFFICIALS ARE AUTHORIZED TO TAKE ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 18, 1998, City Commission adopted Ordinance No. 99-03, currently Chapter 21, Article III, Division 2, Sewer Use Regulations in the Municipal Code of Ordinances of the City of Miramar; and

WHEREAS, these changes allowed the Utilities Department to implement an Industrial Pretreatment Program (“IPP”) for the Wastewater Reclamation Facility (“WWRF”), Section 21-93; and

WHEREAS, the IPP protects the Waste Water Reclamation Facility (WWRF) from pollutants that would adversely affect the treatment process and personnel, and to prevent pass-through of pollutants to the reclaimed water system; and

WHEREAS, on July 14, 2017, the Environmental Protection Agency’s (“EPA”) adopted the Final Rule *Effluent Limitations Guidelines and Standards for the Dental Category*, Title 40 Code of Federal Regulations (“CFR”) Part 441; and
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WHEREAS, on February 22, 2019, the EPA finalized the Rule *Prohibition of Sewering Hazardous Waste Pharmaceuticals* Title 40 CFR Part 266.506 prohibiting the introduction of pharmaceutical ingredients and metabolic by-products from Healthcare facilities into POTW; and

WHEREAS, in alignment with these changes, the City of Miramar received correspondence from FDEP on November 15, 2019, requesting the City to provide a plan to make modifications to the existing Sewer Use Ordinance and include the language associated with enacted rules; and

WHEREAS, words with single underline shall constitute additions to the original text and ~~strike through~~ text shall constitute deletions to the original text.

WHEREAS, for the City's IPP to be able to apply enforceable requirements as adopted by FDEP Rule 62-625.110(3) and 62-625500(2)(a) Florida Administrative Code (F.A.C.), amendment to the City's Code of Ordinance Chapter 21, Article III, Division 2 Section 21-93 will be necessary to allow the incursion of Title 40 CFR Part 441.30 and Title 40 CFR Part 266.505.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: That Chapter 21, Article III, Sewer Use Regulations, Division 21-93 of Ord. No. 20-18

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the City of Miramar Code of Ordinances entitled "Industrial Pretreatment Program" is amended as follows:

Amalgam separator- is 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- means and 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.

ANSI/ADA Standard No. 108- is the American National Standards Institute and American Dentistry association standard for amalgam separators.

Existing Source (Dental Amalgam Rule)- is any any facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017.

Hazardous waste pharmaceutical- is a pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) 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- means 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

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- 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.

Healthcare facility does not include pharmaceutical manufacturers.

ISO 11143- is the International Organization for Standardization's standard for amalgam separators.

Pharmaceutical- means 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.

Reverse distributor- means 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.

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

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

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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 superintendent 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 superintendent or designee during normal business hours. Records shall be maintained for a minimum of three years.

(c) Facilities with vacuum suction systems that meet all the following conditions may apply to the superintendent 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.

An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the superintendent. The superintendent 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 (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.

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(d) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

(e) 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/County/Utility/Authority), signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section 23.93 (f)(b):

"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."

(2) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than 9 times per year and as no more that 5% of dental procedures; and

(3) The dental practice notifies the (City/County/Utility/Authority) of any changes affecting the applicability of this certification.

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(f) Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited in accordance with [Section.21-92.](#)

(g) 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 reporting requirements, compliance monitoring, and administrative enforcement remedies identified in Sections [21-95](#), [21-96](#), and [21-99](#), respectively.

Section 3: REPEALER: That all sections or parts of sections of the City Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: SEVERABILITY: That should any section or provision of this Ordinance, or any paragraph, section or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part hereof, other than the part declared to be invalid.

Section 5: INCLUSION IN THE CODE: That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made part of the Code of the City of Miramar, and that the sections of this Ordinance may be renumbered or relettered and the word “Ordinance” may be changed to “Chapter”, “Section”, “Article” or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 6: EFFECTIVE DATE: That this Ordinance shall take effect immediately upon adoption on second reading.

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PASSED FIRST READING: _____ September 2, 2020

PASSED AND ADOPTED ON SECOND READING: _____ September 16, 2020

Mayor, Wayne M. Messam

Vice Mayor, Maxwell B. Chambers

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

Commissioner Winston F. Barnes

Vice Mayor Maxwell B. Chambers

Commissioner Yvette Colbourne

Commissioner Alexandra P. Davis

Mayor Wayne M. Messam

Voted

Yes

Yes

Yes

Yes

Yes

