

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule WY-14-19 to create ch. NR 229 relating to regulation of wastewater discharges from dental offices to sanitary sewers. In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on WY-14-19 at the time and virtual location shown below.

Hearing Information

Date: September 07, 2021

Time: 10:00 a.m.

Virtual Location Link:

- Join Zoom Meeting: <https://us02web.zoom.us/j/84712411320>
- Join by telephone: +1 312 626 6799
- Find your local number: <https://us02web.zoom.us/u/kb1Yn9t4cD>
- Meeting ID: 847 1241 1320

Rule Information

The department is required to promulgate by rule effluent limitations, standards of performance for new sources, toxic effluent standards or prohibitions and pretreatment standards for any category or class of point sources established by the U.S. environmental protection agency and for which that agency has promulgated any effluent limitations, toxic effluent standards or prohibitions or pretreatment standards for any pollutant under s. 283.11 (1), Wis. Stats.

The U.S. environmental protection agency promulgated 40 CFR 441 – Dental Office Point Source Category, on June 14, 2017, which regulates the discharge of dental amalgam wastewater from dental offices to publicly owned treatment works (POTW), also known as municipal wastewater treatment plants.

The proposed rule would regulate dental offices that discharge amalgam-containing wastewater into municipal wastewater treatment plants.

The rule's pretreatment standards apply to dental offices that place or remove dental amalgam, i.e., metal dental fillings, from patients' teeth and regulate the wastewater discharges from those activities. These standards require subject offices to install, operate and maintain rule-compliant solids separators to treat all amalgam process wastewater and to comply with two best management practices, which will reduce the discharge of amalgam waste to a publicly owned treatment works (POTW). Existing dental offices in Wisconsin subject to the rule must have complied with these requirements by July 14, 2020 and have submitted submit a One-Time Compliance Report to the department or their local municipal pretreatment program if located in one, by October 12, 2020. The report provides certain basic information about the facility along with a certification that it does or does not place or remove amalgam and, if applicable, that the facility will continue to operate and maintain a rule-compliant separator and implement the two best management practices. New dental offices subject to the rule, which began discharging to a POTW after July 14, 2017, must comply

with the standards as of that date and submit a One-Time Compliance Report within 90 days of introducing wastewater to a POTW.

Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. To register and join the hearing online or by phone, use the information provided above. Pre-registration is also available and is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, either use the Zoom link above or download and complete the fillable [Hearing Appearance form](#) and send it to richard.douglas@wisconsin.gov.

Comments on the proposed rule must be received on or before September 14, 2021. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. **Written comments and any questions on the proposed rules should be submitted to:**

Richard Douglas – WY/3

Department of Natural Resources

101 S. Webster Street

PO Box 7921

Madison, WI 53707

(608) 267-6822

richard.douglas@wisconsin.gov or DNRAAdministrativeRulesComments@wisconsin.gov

The rule may be viewed at: <https://dnr.wisconsin.gov/news/input/ProposedPermanent.html>

Initial Regulatory Flexibility Analysis

The department anticipates that the majority of entities (if not all) impacted by this rule are small businesses. As a result, the impact of this rule to small businesses will be the same as the broader impact of the rule to the business sector provided in section #14 of the Fiscal Estimate and Economic Impact Analysis, form DOA-2049 (attached).

The economic impact on dental entities, local government units, and small businesses, per year, is estimated at \$1.2 M. The analysis considered that 60% of the dental facilities in Wisconsin (an estimated 2,061 facilities) did not have the technology and equipment required, and as a result would have to install the required equipment to meet the federal regulations, which brought the cost to an estimated \$909,847.97. An estimated 40% of the 2,061 dental entities with already installed technology would spend an estimated \$314,338.99, which brings the annual total to \$1,224,186.96.

Agency Small Business Regulatory Coordinator

Emma Esch (608) 266-1959

Emma.Esch@wisconsin.gov