

Indian River County, Florida
Department of Utility Services
Board Memorandum

Date: August 4, 2021

To: Jason E. Brown, County Administrator

From: Matthew Jordan, Interim Director of Utility Services

Prepared By: Scott Reynolds, Environmental Compliance Analyst

Subject: Request to Publish Notice of Public Hearing to Consider Modifications to County Code Sections 201.64 and 201.65, Prohibited Discharge Standards

Background:

In 2017, the Environmental Protection Agency (EPA) promulgated pretreatment rules (40 Code of Federal Regulations (CFR) Part 441) to reduce discharges of mercury (“Dental Amalgam”) from dental facilities to publicly owned treatment works (POTWs).

The new rule required dental facilities to submit a one-time certification, or compliance report, to the Control Authority (Indian River County Department of Utility Services (IRCDUS)) by October 12, 2020. IRCDUS identified forty-two dental facilities within Indian River County. Each of the facilities identified was sent a letter explaining the new regulations and a compliance form, with instructions to return the completed form. Thirty-four facilities responded.

In 2019, the EPA finalized new management standards of hazardous waste pharmaceuticals. The intent of the new standards was to improve compliance at healthcare facilities and reverse distributors, and reduce hazardous waste pharmaceuticals being discharged to POTWs or discharged to the environment.

Descriptions and Conditions:

The Florida Department of Environmental Protection (FDEP) conducted an audit of the Industrial Pretreatment Program in July of this year. As a result of the audit, FDEP felt that the existing Sewer Use Ordinance, specific to dental amalgam and hazardous waste pharmaceuticals, did not provide adequate language to establish legal authority to apply and enforce Chapter 62-625. FDEP provided draft language (attached) to incorporate into the Sewer Use Ordinance.

Recommendation:

Staff recommends the Board of County Commissioners (BCC) direct staff to work with the County Attorney’s Office to draft a revision to the Code to incorporate the dental amalgam and hazardous waste pharmaceuticals model language, as necessary. Staff further recommends that the BCC permit staff to schedule a public hearing on the matter for the September 21st BCC meeting.

Attachments:

- Draft Pharmaceutical Waste Ordinance
- Draft Dentist Amalgam Ordinance