

Indian River County, Florida  
Department of Utility Services  
Board Memorandum

**Date:** September 21, 2021

**To:** Jason E. Brown, County Administrator

**From:** Matthew Jordan, Interim Director of Utility Services

**Prepared By:** Scott Reynolds, Environmental Compliance Analyst

**Subject:** Public Hearing on 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, consisting of 59 licensed dentists, within Indian River County’s service area. Each of the facilities identified was sent a letter, explaining the new regulations, and a compliance form, with instructions to return the completed form to IRCDUS. Thirty-four facilities responded.

**Descriptions and Conditions:**

At the August 17<sup>th</sup> board meeting, the Board of County Commissioners (BCC) directed staff work with the County Attorney’s Office to draft a revision to the Code to incorporate dental amalgam and hazardous waste pharmaceuticals model language provided by the Florida Department of Environmental Protection (FDEP). After additional review of the existing Code regarding hazardous waste pharmaceuticals, the County Attorneys’ Office and staff determined the existing Code contained all the components required by FDEP. Therefore a modification to the Code, specific to hazardous waste pharmaceuticals, is not required.

Additionally, the BCC directed staff to explore alternate methods of distributing the Notice of Public Hearing to interested parties, in addition to publishing in a local newspaper. In response to the BCC’s direction, IRCDUS mailed Notice of Public Hearing announcements directly to fifty-nine (59) licensed dentists in Indian River County.

IRCDUS is currently updating an existing dental amalgam database with this new dental facility information and will provide outreach and assistance to new dentists/facilities that have not submitted the one-time compliance reports and follow-up with those who did not respond to previous requests.

**Recommendation:**

Staff recommends the Board of County Commissioners approve the draft revisions to the Code incorporating Florida Department of Environmental Protection-provided draft language for incorporation into the Sewer Use Ordinance. This Code modification will strengthen the County's commitment to preventing harmful pollutants from entering the environment and our waterways by providing the County the legal authority to apply and enforce Chapter 62-625.

**Attachments:**

Draft Dentist Amalgam Ordinance