

ORDINANCE NO. 28536

AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING CHAPTER 15.14 OF TITLE 15 OF THE SAN JOSÉ MUNICIPAL CODE TO LIMIT THE DISCHARGE OF DENTAL AMALGAM INTO THE SANITARY SEWER SYSTEM AND TO REQUIRE THE INSTALLATION OF DENTAL AMALGAM SEPARATORS IN CERTAIN DENTAL OFFICES

WHEREAS, on April 15, 2009 this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP09-084;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. Chapter 15.14 of Title 15 of the San José Municipal Code is amended by adding a Section to be numbered, entitled, and to read as follows:

15.14.207 Amalgam Separator

“Amalgam Separator” means a device that: employs filtration, settlement, centrifugation, or ion exchange to remove Dental Amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer; has been certified under the International Organization for Standardization’s standard for amalgam separators as capable of removing a minimum of ninety-five percent (95%) of Dental Amalgam at flow rates comparable to the flow rate of the actual vacuum suction system in operation; and does not have any automatic flow bypass.

SECTION 2. Chapter 15.14 of Title 15 of the San José Municipal Code is amended by adding a Section to be numbered, entitled, and to read as follows:

15.14.209 Amalgam Waste

“Amalgam Waste” means and includes non-contact Dental Amalgam (Dental Amalgam scrap that has not been in contact with the patient); contact Dental Amalgam (including, but not limited to, extracted teeth containing amalgam); Dental Amalgam sludge captured by chair side traps, vacuum pump filters, screens, and other Dental Amalgam trapping devices; and used, leaking or unusable capsules containing Dental Amalgam.

SECTION 3. Chapter 15.14 of Title 15 of the San José Municipal Code is amended by adding a Section to be numbered, entitled, and to read as follows:

15.14.267 Dental Amalgam

“Dental Amalgam” means an alloy of mercury with another metal, used by dentists to fill cavities in teeth.

SECTION 4. Chapter 15.14 of Title 15 of the San José Municipal Code is amended by adding a Section to be numbered, entitled, and to read as follows:

15.14.269 Fixer Solution

“Fixer Solution” means a solution containing silver used in the photographic processing of dental x-rays, x-rays and photographs.

SECTION 5. Chapter 15.14 of Title 15 of the San José Municipal Code is amended by adding a Section to be numbered, entitled, and to read as follows:

15.14.640 Fixer Solution Prohibition

No person shall discharge, cause, allow, or permit Fixer Solution to be discharged into the sanitary sewer system without prior pretreatment to meet all applicable limits.

SECTION 6. Chapter 15.14 of Title 15 of the San José Municipal Code is amended by adding a Section to be numbered, entitled, and to read as follows:

15.14. 645 Installation and Maintenance of Amalgam Separators

- A. Except as provided in subsections B. and C. below, no person shall discharge, cause, allow or permit any discharge to the sanitary sewer system from a dental vacuum system, unless such discharge has first been processed through an Amalgam Separator.
- B. For each dental vacuum system installed prior to July 1, 2009, an Amalgam Separator shall be installed on or before December 31, 2010. No dental vacuum system shall be installed on or after July 1, 2009 without an Amalgam Separator. Proof of certification and installation records shall be submitted to the Director within thirty (30) days of installation.
- C. A dental vacuum system may be operated without an Amalgam Separator provided that the system is not used in connection with the removal or placement of fillings that contain Dental Amalgam more than three (3) days per calendar year and the system is used exclusively by the following types of dental practices: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; and (6) Endodontistry and prosthodontistry.

- D. Amalgam Separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained for minimum of five (5) years and available for immediate inspection upon request therefore by the Director or designee during normal business hours.

PASSED FOR PUBLICATION of title this 5th day of May, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk