



## TCEQ Frequently Asked Dental Rule Compliance Questions for Control Authorities (CAs)

### 1. What are TCEQ Water Quality Division's expectations for CAs regarding the implementation of the final dental rule (40 CFR Part 441)?

#### TCEQ rationale:

*See EPA FAQ for CAs (May 2018), Item No. 2, page 1 and Item No. 13, page 3; EPA FAQ for Dental Office Category Rule (November 2017), page 4; 40 CFR §403.8(f)(1)(ii); 40 CFR §403.8(f)(2)(iii); 40 CFR §403.12(o)(2); and TPDES permit Contributing Industries and Pretreatment Requirements, No. 1(a).*

- Identify the dental dischargers that must comply with the requirements in 40 CFR Part 441 within the approved program's service area (or jurisdiction), which is in accordance with the Contributing Industries and Pretreatment Requirements No. 1(a):
  - Dental dischargers are regulated industrial users. Therefore, they shall be identified and located as required by 40 CFR §§403.8(f)(2)(i) and (ii) and their information shall be kept current and updated.
- Notify dental dischargers of the applicable requirements in 40 CFR Part 441, as required by 40 CFR §403.8(f)(2)(iii).
- Maintain copies of One-Time Compliance Reports (OTCRs) submitted by dental dischargers in accordance with 40 CFR §403.12(o)(2), which specifies a minimum period of three years for any records of monitoring activities and results.

*Note: 40 CFR §441.50(a)(5) states that dental discharger must maintain copies of their OTCRs indefinitely or until ownership is transferred. Furthermore, 40 CFR §441.50(b) states that dental discharger must maintain other documentation for a minimum of three years.*

- Dental dischargers are regulated industrial users, unless CAs choose to designate them as SIUs or CIUs.
- CAs do not have to permit or annually inspect dental dischargers subject to the requirements in 40 CFR Part 441.



## TCEQ Frequently Asked Dental Rule Compliance Questions for Control Authorities (CAs)

- The use and submission of one-time compliance reports (OTCRs) from dental dischargers demonstrates their compliance with the performance standard and the best management practices (BMPs) of the rule.
- Existing dental dischargers must be compliance with the requirements of the rule by July 14, 2020, and their OTCRs must be submitted to their CAs by no later than October 12, 2020. New dental dischargers must already be in compliance with the requirements of the rule.
- CAs shall use the most sensitive analytical methods for mercury, such as EPA Methods 1631E and 245.7, for all sampling and analysis of mercury, pursuant to the monitoring requirements in the regulating TPDES permits. This information is detailed in our Procedures to Implement the Texas Surface Water Quality Standards, issued June 2010.

### 2. Does a CA need to list dental dischargers in the annual pretreatment reports submitted to the TCEQ?

***TCEQ rationale:***

*See EPA FAQ for CAs (May 2018), Item No. 2, page 1; 40 CFR §403.8(f)(2)(viii)(H); and the Memorandum of Agreement between EPA and TCEQ, Chapter 4, Section F.*

Dental dischargers do not need to be included in annual pretreatment reports submitted to the TCEQ, unless:

- The CA elects to designate its dental dischargers as significant industrial users (SIUs) or categorical industrial users (CIUs).
- The CA determines that the dental discharger is in significant noncompliance (SNC) for failure to implement the required BMPs and comply with the recordkeeping requirements in 40 CFR §441.50.



## TCEQ Frequently Asked Dental Rule Compliance Questions for Control Authorities (CAs)

3. Does a CA need to list dental dischargers in the Texas Discharge Elimination System (TPDES) municipal permit applications?

**TCEQ rationale:**

*See EPA FAQ for CAs (May 2018), Item No. 2, page 1*

Dental dischargers do not need to be included in TPDES permit applications submitted to the TCEQ, unless they are determined by the CA to be SIUs/CIUs or have caused instances of pass-through or interference.

4. Does a CA need to modify their legal authority regarding regulating dental dischargers?

**TCEQ rationale:**

*See EPA FAQ for CAs (May 2018), Item No. 4, page 1; Item 13., page 3; and 40 CFR §403.18*

If a CA desires to enforce against its dental dischargers, it will need to make sure that it has the appropriate legal authority in its approved pretreatment program in order to do so.

5. Does a CA need to modify their standard operating procedures (SOPs), forms or templates, Enforcement Response Guide and/or Plan (ERG/ERP) to implement the final dental rule?

**TCEQ rationale:**

*See EPA FAQ for CAs (May 2018), Item No. 4, page 1; No. 13, page 3; 40 CFR §403.8(f)(2); 40 CFR §403.8(f)(5); and 40 CFR §403.18*

If a CA desires to enforce against its dental dischargers, it will need to make sure that it has the appropriate procedures and other documentation incorporated into its approved pretreatment program in order to do so. The CA is required to submit a copy of its OTCR form template developed for dental dischargers to the TCEQ for review and approval as a nonsubstantial modification.



## TCEQ Frequently Asked Dental Rule Compliance Questions for Control Authorities (CAs)

### 6. Can a CA regulate dental dischargers through a general permit?

**TCEQ rationale:**

*See EPA FAQ for CAs (May 2018), Item No. 4, page 1; 40 CFR §403.8(f)(1); 40 CFR §403.18(b)(3); and TPDES permit Contributing Industries and Pretreatment Requirements, No. 1.e.*

Yes, the CA can regulate dental dischargers through a general permit, if its approved pretreatment program includes the requirements in 40 CFR §403.8(f)(1)(iii). If the CA elects to regulate its dental dischargers through a general permit, it will need to submit the appropriate changes to all of its approved pretreatment program documents (legal authority, SOPs, forms and templates, and ERP/ERG) to the TCEQ for review and approval as a substantial program modification request.

### 7. Can a CA accept OTCRs electronically from dental dischargers?

**TCEQ rationale:**

*See EPA FAQ for CAs (May 2018), Item No. 8, page 2; 40 CFR §403.8(g); EPA Publicly-Owned Pretreatment Works (POTW) Programs and Electronic Reporting (May 2018), page 3*

If the CA has incorporated electronic reporting requirements into its approved pretreatment program, then OTCRs may be submitted electronically.

The OTCR includes a certification statement that must be signed and submitted with the report. Therefore, the CA must be compliant with EPA's Cross-Media Electronic Reporting (CROMERR) requirements in 40 CFR Parts 3 et. al. The CA shall submit revisions to its legal authority, SOPs, and ERG/ERP, as well as documentation stating that its electronic reporting system is CROMERR compliant, to the TCEQ for review and approval as a nonsubstantial modification.

If the CA is not CROMERR compliant, it may receive electronic submissions of the OTCRs, but it would also need to receive original hard-copy with the required certification statements signed by the authorized signatory. Compliance with EPA's Cross-Media Electronic Reporting (CROMERR) is required.