

New York State Department of Environmental Conservation

Division of Solid and Hazardous Materials

Bureau of Solid Waste, Reduction and Recycling, 9th Floor

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Alexander B. Grannis
Commissioner

Mr. Michael Darcy
Mr. Ron Faithful
M.A.R.S Bio-Med Processes Inc.
1051 Clinton Street
Buffalo, New York 14206

JUN 20 2007

Dear Sirs:

This letter is in response to your question concerning the storage of dental amalgam waste in relation to the LibertyBOSS, a two year sealed unit. The New York State Department of Environmental Conservation (Department) views an amalgam separator as a piece of equipment, not a collection container. Therefore, the one year storage requirements do not apply to the dental amalgam waste captured and retained in the separator. According to paragraph 374-4.2(a)(5), "the amalgam separator must be installed, operated, and maintained in accordance with the manufacturer's specifications and recommendations." The dental facility must follow a manufacturer's recommendation as to the proper time frame and methods for management of the accumulated amalgam sludge and separator filters or cartridges if present.

In order to document the amount of amalgam sludge which has accumulated in the LibertyBOSS, it is our understanding that M.A.R.S Bio-Med Processes intends to mail or fax a visual inspection report for each dental office to sign and complete. This inspection report will be sent to the dental facility on the one-year anniversary of the separator's installation. This procedure will serve a dual purpose: (1) M.A.R.S will be alerted to the rate the separator is being filled to capacity, and (2) a tracking record for amalgam separator waste documentation for both the dental facility and M.A.R.S is created. The Department finds this practice acceptable. If at any time it is determined that the filling rate will cause the unit to reach its capacity sooner than expected, replacement will need to occur earlier than the anticipated two year period in accordance with paragraph 374-4.2(a)(5).

It is our understanding that this unit has been tested by TUV Nord. Please provide a valid certificate and test report for the LibertyBOSS to the Department as soon as possible. A valid certificate for the AmalgamBOSS is also required to complete our files. We do have the test report dated November 16, 2004 for the AmalgamBOSS on file.

If you have any further questions, please contact me or Christine Barnes at (518) 402-8705.

Sincerely,

Peter Pettit, P.E.

Chief

Waste Reduction & Outreach Section
Bureau of Solid Waste, Reduction & Recycling
Division of Solid & Hazardous Materials