

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 9: Water Quality Code

§ 934. Sludge

Cite as: 27 CNCA § 934

A. Rules of the Commission applicable to sewage sludge shall be at least as stringent as applicable federal regulations. Prior to promulgation of such rules, federal requirements shall apply, in addition to requirements established pursuant to this chapter.

B. Sludge or other wastes shall only be land applied pursuant to a permit or plan approved by the Commission and in a manner consistent with Commission rules, including appropriate limitations on the location, amount, frequency, content, manipulation, setbacks and prohibitions as the Commission may deem appropriate. When allowed, the following minimum requirements apply:

1. Annual land application of sludge or other waste shall only occur during the growing season at a rate not to exceed the target crop's ability to uptake nutrients and shall be consistent with results of recent soil tests;
2. Land application of sludge or waste that contains concentrations of heavy metals, pathogens or pollutants which may pose an environmental or public health risk is prohibited;
3. Sludge or waste applied to land shall be incorporated into the soil before the end of each working day;
4. Sludge or waste shall not be applied within four feet (4') of the highest seasonal water table nor applied to the land within five hundred feet (500') of a stream or body of water;
5. Sludge shall not be applied within the watershed of a designated outstanding resource water or scenic river, or within one (1) mile of a surface public water supply or any water body that is already impaired by pollutants normally found in such sludge. For purposes of this section, until such time as the Commission may promulgate superceding rules, the term designated "**outstanding resource water**" or "**ORW**" shall include those streams and their tributaries that are currently designated ORW under state law;
6. Sludge or waste shall not be applied within five hundred feet (500') of any other public or private water supply; and
7. Sludge or waste shall not be land-applied in areas of karst topography.

C. Any use, storage or final disposition of sludge or wastes other than land application or disposal at a permitted facility shall require the approval of the Commission.

Historical Data

LA 35-04, eff. August 16, 2004.