

Elimination System (NPDES) of the Federal Clean Water Act. NPDES is an EPA and state-enforced system requiring permits for all point source pollution discharges into navigable waters.

Aside from the areas of special state and federal interest, local authorities are basically free to set their own rules, within broad state guidelines, for the collection and disposal of solid wastes. Cities, counties or municipalities should be consulted regarding problems involving the locations of disposal facilities, frequency of waste pickup, and other day-to-day waste disposal questions.

What is solid waste?

Solid waste has been defined as any garbage, refuse, sludge or other discarded materials, and liquid, semi-solid, or contained gaseous materials. Furthermore, waste from agricultural activities is expressly included.

The only relevant materials which are expressly listed as NOT within the RCRA definition of "solid waste" are:

- domestic sewage;
- waste from irrigation return flows; and
- point source discharges which are permitted for release under NPDES of the Clean Water Act.

If none of these exceptions apply, and if the material involved may be said to be discarded or to have served its useful purpose, it is a solid waste. Solid waste may be recycled, reused, discarded, reclaimed or stored, depending on its nature. Many solid wastes may also be hazardous wastes, and so subject to other, more restrictive regulations. Therefore the section on hazardous waste must also be consulted when considering solid wastes.

NPDES coverage extends only to discharges into navigable waters and sets different standards for the amount of waste which may be discharged based upon:

- 1) the type of industry involved;
- 2) the toxicity of the waste; and
- 3) the acceptable maximum amounts of harmful elements which can be released into the body of water which is being polluted.

The Act's broad definition of "Navigable waters" is covered in the Clean Water Act Subsection of "Federal Regulation" in this manual.

Facilities which are disposing of wastes in any way not in accordance with the federal RCRA guidelines or NPDES requirements for discharging water are deemed to be violators of the law.

What is sludge?

The DER has established detailed regulations controlling the application of sludge to land. Sludge is basically solid, liquid or semisolid waste generated from wastewater treatment plants. This system requires all producers to have their sludge tested so it may be classified as one of the three grades of sludge recognized by DER. (Grade I is the least hazardous; grade III, the most hazardous.)

- No permit is required to apply sludge to the land of the sludge generator as long as the sludge is treated for bacteria and insect infestation and handled in accordance with DER rules.
- No permit is required for "normal farming operations," which include the application to farm land of:
 - grade I domestic, or grade I composite sludge;
 - domestic septate which has been properly treated to kill microorganisms;
 - food service sludge.