

Nutrient Management

PD-2023-11-02

Solid Waste Rules Updates **What NY farmers need to know**

Kirsten Workman

New York State Department of Environmental Conservation (NYSDEC) recently updated their Solid Waste Management Rules ([also called Part 360](#)). Three of those updates that impact farms directly are described here.

Manure applicator registration

NYSDEC now requires commercial manure applicators who apply manure on CAFO farms to register with the department and complete annual reporting. PRO-DAIRY released a fact sheet in summer 2023 that [outlined the new requirements](#). **While applicators need to register by January 18, 2024 to be in compliance with the new rule, it is my recommendation that they wait until after January 1, 2024 to do so.** This will delay the need for annual reporting until the conclusion of 2024, when NYSDEC will have annual reporting forms ready, and will allow more time to put the protocols and record-keeping systems in place to ensure compliance.

Here are a few things that applicators can do to be ready in the meantime:

- Start working with farm clients now to ensure good communication about their CNMP, have contractor certification forms signed, and get maps for all fields.
- Set up record-keeping systems that allow accurate accounting of manure applications to share with farm clients within the required 21-day time period (date, gallons and rate, fields applied) and aggregated data to report back to NYSDEC (total gallons spread/farm).
- Properly calibrate all spreading equipment and keep a record of these calibration activities.
- Get the registration forms assembled and completed accurately so they are ready to submit between January 1 and January 18, 2024.

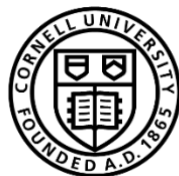
To learn more about this registration requirement, what it entails, and the type of record-keeping that will be required, visit the following fact sheets:

- [PRO-DAIRY: Solid waste rules](#)
- [NYSDEC: Guidance – New registrations for third-party CAFO manure appliers](#)

Access the registration forms here*:

- [Registration form for a solid waste management facility](#)
- [Organics recycling addendum](#)

Both of these forms **must be completed and submitted to your regional DEC office, listed on page 4 of the registration form, to be considered complete. Contact PRO-DAIRY (kw566@cornelle.edu) for examples of completed forms that meet this requirement.*



PRO-DAIRY would like to extend an offer to provide technical assistance to any and all manure applicators who have questions or need assistance with completing registration forms, equipment calibration, interpreting the requirements of this registration, record-keeping tools or otherwise. Please encourage any applicators to reach out to Kirsten Workman at kw566@cornell.edu or (607)255-4890.

To receive DEC outreach materials directly regarding this registration, contact Sally Rowland, NYSDEC Division of Materials Management, at sally.rowland@dec.ny.gov with your contact information.

Tires on bunker silos

The previous enforcement discretion allowing farms to use tires to secure bunker silo tarps and store them onsite when not in use is now written directly into the Part 360 language. Tires are no longer considered ‘waste’ and therefore exempt from solid waste rules and enforcement if they meet the following requirements:

- Are used in a single layer over the tarpaulin, or double layer of sidewall weights;
- Are used in a second layer of tires to anchor edges, if needed, or double the number of sidewall weights; and
- The tires must meet **one** of the following:
 - Be cut in half;
 - Have one side wall removed and placed with the cut side facing down;
 - Have sufficient number of holes drilled in them to prevent retention of water; or
 - If whole tires are used, the tires must be covered, arranged on the tread in close alignment, or otherwise stored in a manner to prevent retention of water unless they are being used to secure tarpaulins.

Livestock mortality management

The Part 360 updates include new guidelines for the burial of livestock carcasses due to routine mortality (not from catastrophic emergencies). CAFO farms should follow the requirements laid out in the CAFO permit that require farms follow the NRCS 316 standard and/or the Cornell Waste Management Institute’s guidance for composting. For all farms, the preferred method is composting, per the Cornell Guidelines, but if farms choose to bury animals they must adhere to the new rules. Learn more about the [livestock mortality rules and composting guidance](#) in a PRO-DAIRY fact sheet.