



Guidance – New Registrations for Third-Party CAFO Manure Appliers

Rule effective July 22, 2023; 180-day transition period (compliance date: January 18, 2024)

For the full text of regulatory criteria, please see 6 NYCRR Part 361-2.3(c).



Who is required to register under Part 361-2.3(c)?

Third-party CAFO land appliers – a person, other than the owner or employee of a CAFO, who land applies manure or process wastewater *generated at a CAFO* onto land that is *under the control of a CAFO*.

Registration is **not** required for:

- CAFO owners or employees (on payroll)
- Application on a non-CAFO farm
- Manure generated on a non-CAFO farm

How to register:

Prior to operation, facilities must apply for a registration with their [regional DEC office](#) by submitting the following forms:

- [Registration Form](#) for a Solid Waste Management Facility; and
- [Organics Recycling Addendum](#) Form

The registration form includes instructions for how to complete it, but these are general to all solid waste facilities. Please see below for specific tips related to third-party manure appliers at a CAFO. There is no additional information required beyond filling out the two forms. DEC will reach out if any clarifications are necessary.

Specific instructions for the registration form:

- Boxes #2-3: The *Facility* is the company that is applying the manure on behalf of the CAFO.
- Box #5: *Site Owner* can be left blank, or write “N/A.”
- Box #8: List the names of the CAFO(s) where manure is received from and applied to.
- Box #9: List *manure* with estimated total annual amount in gallons.
- Box #10: This storage section can be left blank, or write “N/A.”

What do I need to do under this registration?

1. **The land application must be done in accordance with the CAFO's field-specific current nutrient management plan.** This includes environmental setbacks, application rates, application methods for each field, etc.
2. **The manure applier must submit the signed contractor certification statement required by the CAFO permit to the CAFO prior to the initial application of nutrients on the date of service.** This daily acknowledgment ensures that the farm owner/operator is communicating any adjustments required by the nutrient management plan or factors that are necessary to account for such as weather. The CAFO is required to maintain this record on-site. For multi-day spreading events, you can complete one copy and initial it on each day of service.
3. **The quantity of manure applied and fields used must be provided to the involved CAFO(s) within 21 days after the last day of consecutive service,** or within 24 hours upon request of DEC. This includes the application rates and/or gallons applied to each field and which manure source/storage you were spreading from.
4. **Applicator equipment must be calibrated annually,** in a manner acceptable to the DEC. You should document this maintenance event, as you will need it for your annual report. Acceptable methods of calibrating manure application equipment (solid, semi-solid, liquid, flow meters) can be found in Cornell University's [Agronomy Fact Sheet #18: Calibrating Manure Spreaders](#).

What reporting is required by DEC?

An annual report must be submitted to DEC by March 1 of each year. You will receive a reminder letter to complete your annual report form. Annual report forms can be found here: <https://www.dec.ny.gov/chemical/52706.html>

Note: DEC is currently updating the 2023 annual report forms.

You will be asked to provide the following information on your annual report:

1. The names of the CAFO(s) where the manure and/or process wastewater was generated.
2. The quantity of manure and process wastewater applied from each CAFO.
3. The name of the farm(s) where land application occurred.
4. The source and total amount of manure and process wastewater applied on each CAFO.
5. A description of how the applicator equipment was calibrated.

How long will the registration cover my operation?

Registrations are valid for a maximum of 5 years.

Additional conditions that apply to the processing of registrations can be found in 6 NYCRR Part 360.15. There are *no fees* associated with applying for and obtaining a registration.

For more information, contact DEC's Organics Reduction and Recycling Section at organicrecycling@dec.ny.gov, or by calling 518-402-8706.