



Storage and Land Application

Exempt under 361-2.2(d) if:

- Structure must be NRCS NY313 Compliant³
- No sanitary or industrial waste
- Not located on Long Island or in NYC watershed
- FPW ≤ 50% by volume annually

Anaerobic Digestion⁴

Exempt under 361-3.3(a)(4) if:

- FPW ≤ 50% by volume annually
- No sanitary or industrial waste
- Physical contaminant limits

Registration under 361-3.3(b)(1) if:

- Does not qualify for exemption
- No sanitary waste
- Enclosed storage for FPW
- Site criteria in 361-3.3(c)

Storage and Land Application

Registration required under 361-2.3(b)(2) if:

- Non-manure ≤ 10% in storage by volume annually w/no liner certification
- Non-manure ≤ 40% in storage by volume annually w/NRCS NY313 liner certification³
- No sanitary waste

Registration under 361-2.3(b)(3) if:

- FPW in storage > exempt quantities; or if material is directly applied (no on-site storage)
- Analyses of waste required with application and in annual report
- Specific site criteria, must follow 361-2.5(b) operating requirements
- Land app in NYC watershed or on Long Island must be addressed in a CNMP²
- Temporary field storage allowed w/site criteria

Anaerobic Digestion⁴

Exempt under 361-3.3(a)(3) if:

- ≤ 1,000 lbs or 1 cy of material per week (monthly average)

Registration under 361-3.3(b)(1):

- < 50 tons per day
- No sanitary waste
- Enclosed storage for FPW
- Site criteria in 361-3.3(c)

Permit required if site does not qualify for exemption or registration.

Digestate Use

- Land application or storage exempt on CAFO, otherwise registration under 361-3.3(b)(2)
- Animal bedding use is exempt
- Topsoil mix (≤ 50% digestate) is exempt
- Composting:
 - Exempt ADs: Composting on a farm is exempt, otherwise registration & comply with 361-3.2(c)
 - Registered ADs: Composting on CAFO exempt, otherwise registration & comply with 361-3.2(c)

¹CAFO: Concentration Animal Feeding Operation

²CNMP: Comprehensive Nutrient Management Plan

³Natural Resources Conservation Service, Practice Standard Waste Storage Facility [Code 313](#) (USDA)

⁴Anaerobic digestion at a site controlled by the waste generator is exempt under 360.14(b)(1). Digestate must be stored and used in a manner acceptable to DEC.