

NYSDEC is warning farmers to be aware of and to continue to monitor their open waste storage levels given the adverse weather conditions experienced this fall. CAFOs should monitor the liquid level in their open waste storages to ensure that the level is below the 24hr/25yr storm event plus a foot of free board.

For permitted CAFO farms, the overtopping of a storage is a permit violation and requires the storage be re-evaluated by a Professional Engineer before it can be put back into service. Additionally, any emergency applications of nutrients must be made in accordance with the farms Emergency Action Plan and monitored for runoff. Discharges to surface waters; applications above the single manure application rate discussed in Part III.A.8.b of the ECL CAFO general permit (GP-0-16-001) and Part III.A.7.b of the CWA CAFO general permit (GP-0-16-002); and any storage overtopping must be reported to the Department within 24hrs verbally and in writing within 5 days. All other instances of noncompliance must be reported to the Department in the Annual Compliance Report. If nutrients must be applied, they should be injected or incorporated if possible to minimize offsite movement.

If a CAFO finds itself in an emergency situation, the farm should discuss with an AEM certified planner other interim solutions that may be available to the farm to alleviate the emergency.