



This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

11-023

Revised November, 2016

Flood Damaged Grain & Hay Disposal

It would be rare to be able to use flood-soaked grain or hay for its intended original use of food or feed. The grain or hay is almost certainly contaminated with floodwater contaminants or related toxins. It can also harbor fungal growth such as Ergot, which can lead to lethal poisoning if consumed. Even drying the damaged grain or hay will not make the materials safe for consumption and storing the materials in stacks or bundles presents a potential fire danger.

It is not unusual for soaked bulk grain, hay bales, or hay “piles” to spontaneously ignite. Freshly bailed or piled hay or grain can go through a process of fermentation leading to combustion when as low as 20% water by weight. If flood-damaged grain or hay must be stored, carefully spread the material out to encourage drying without the potential of creating heat sufficient for combustion. Because the dried grain or hay will still be unusable as a product this presents a disposal problem for the farmer or rancher in possession of the flood-damaged grain or hay.

The department has historically allowed spoiled grain, hay, or some food processing by-products to be spread evenly on farm or ranch fields. This allowance has, and continues to be, based on factors such as the land topography, season, amount, proximity to inhabited structures, and nature of the spoilage. Spoiled, unusable grain or hay will rarely ever exhibit the characteristic of hazardous waste toxicity. If it is, or is suspected of being, a hazardous waste then [Title 128 – Nebraska Hazardous Waste Regulations](#) must be followed and the waste grain or hay cannot be spread on the ground. If the grain is spoiled but not capable of causing an infectious disease to humans then it may be either sent to a permitted municipal solid waste landfill or land applied. For land application prior approval is required from the NDEQ ([Title 132 – Integrated Solid Waste Management Regulations](#), Chapter 13, §003) if the material is not applied to the land at an appropriate agronomic rate for the application site. If approval is required, use the following form for land application: [Special Waste Disposal Request](#). This form can be accessed at the NDEQ web site. If approved, the department will provide information on application procedures with the approval.

Flood-damaged grain and hay has been demonstrated to be a danger to bird wildlife. As a result, the department recommends land application of flood damaged grain or hay to be disked into the soil within 24 hours of application. The department discourages stockpiling of flood-damaged grain or hay prior to application except for a short period of time prior to land application..

Depending on the nature of the contamination and the condition of the flood-damaged grain or hay, burning might be the best method of waste management. If so, [Title 129 – Nebraska Air Quality Regulations](#) covers the exceptions to the general prohibition against open burning. Generally, this on-site open burning can be exercised without an Air permit if the damaged grain or hay was on the site when initially flooded and there is no other debris or waste. On any open burning situation always

contact the local fire department to secure a burn permit.

Flood damaged grain or hay has no exclusions from requiring a waste permit from NDEQ for burial. Waste farm products other than trees or brush must be disposed at a permitted municipal solid waste landfill unless burned per the discussion in the previous paragraphs. Ash from such a burn is considered a newly generated waste and as such cannot be buried on site, it must be sent to a municipal solid waste landfill.

RESOURCES:

- NDEQ Home Page <http://deq.ne.gov/>

Contacts:

- NDEQ Waste Management Section (402) 471-4210
- NDEQ Toll Free Number (877) 253-2603
- NDEQ Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: NDEQ.moreinfo@nebraska.gov

NDEQ Publications:

- NDEQ Guidance Document – Natural Disaster Debris Management
Guidance is available on the NDEQ Webpage under “Publications & Forms”
- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- [Title 129 – Nebraska Air Quality Regulations](#)
- [Title 132 – Integrated Solid Waste Management Regulations](#)
Titles are available on the NDEQ Webpage under “Laws/Regs & EQC”, “Rules & Regulations”