



STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER No. 19-03

EMERGENCY RELIEF DUE TO WEATHER EVENTS – LIVESTOCK OPERATIONS

WHEREAS, many of Nebraska's farm and ranch livestock operations are facing catastrophic animal mortality and large scale failure of livestock waste control facilities as a consequence of the severe weather events occurring in the State of Nebraska that resulted in a State of Emergency, declared March 12, 2019;

WHEREAS, regulatory procedural statutes and state agency regulations impose time requirements for the disposal of dead animal carcasses and reporting discharges of livestock waste, which under these emergency conditions make it difficult for owners and operators to comply with in a timely manner, yet expose these owners and operators to liability for failure to comply; and

WHEREAS, many of these owners and operators have been unable to manage, locate, identify, evaluate, and respond to these dead animals due to the disruption of infrastructure and related services and due to flooding and other inundation of water as a consequence of the severe weather events; and

WHEREAS, many of these livestock waste control facilities are not yet accessible for proper evaluation of the nature and extent of any discharges, real or potential; and

WHEREAS, allowing more time to appropriately assess these situations will permit the owners and operators to more effectively and efficiently respond, outweighs the need of the state government to conduct business.

NOW, THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, find these conditions constitute a State of Emergency within Nebraska for dead livestock and animal carcasses, and failed or failing livestock waste control facilities as of March 12, 2019 through April 15, 2019.

Pursuant to this declaration, I hereby order the following:

1. No owner or custodian of any dead animal whose mortality was the result of, or exacerbated by, the extreme weather events necessitating the declared State of Emergency shall be required to, within 36 hours of learning of the death of the animal, either bury or compost the animal or animals on site or transport for rendering or landfill disposal. The owner or custodian will have a reasonable amount of time to properly assess and evaluate their animal mortality and arrange for disposal of animal carcasses. The owner or custodian may transport the dead animals to a licensed rendering establishment by other reasonable methods if licensed transports are unavailable. The owner or custodian shall otherwise comply with Neb. Rev. Stat. § 54-744.
2. A person who owns or operates an animal feeding operation governed by the Livestock Waste Management Act and Title 130, Nebraska Administrative Code, Chapter 2, Section 10, whose livestock operation has caused a discharge, or potential discharge, of manure, litter, or process wastewater to waters of the state shall be required to notify the Department of Environmental Quality by telephone or email within 24 hours of learning of a discharge of livestock waste, rather than 24 hours of the event itself, and shall provide a written report to the Department within two weeks after this initial notification.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 19th day of March 2019.



Pete Ricketts, Governor
State of Nebraska



Robert B. Evnen, Secretary of State
State of Nebraska

Attest:

