STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER No. 19-02

EMERGENCY RELIEF DUE TO WEATHER EVENTS

WHEREAS, commercial motor vehicles and motor carriers are engaged in the business of transporting equipment, materials, and storm debris in conjunction with response and recovery efforts in the State of Nebraska due to a State of Emergency declared March 11, 2019 as a result of severe weather events during this winter; and

WHEREAS, the effective and efficient transportation of equipment, materials, and supplies are consistent with emergency management strategies to provide aid, comfort, and security necessary for the restoration of order and safety to local governmental jurisdictions in the State of Nebraska; and

WHEREAS, federal motor carrier safety regulations determine the number of hours the drivers of commercial motor vehicles which deliver equipment, materials, and storm debris may operate; and

WHEREAS, these conditions threaten essential public health and safety services and endanger public property if response and recovery operations are disrupted due to interruptions of commercial motor vehicle hours of service in the State of Nebraska; and

WHEREAS, the declaration of a State of Emergency will facilitate the granting of a waiver from the U.S. Department of Transportation - Federal Motor Carrier Safety Administration, pursuant to 49 CFR part 390.23 to allow relief from 49 CFR parts 390 through 399, specifically 49 CFR part 395 Hours of Service of Drivers, and subject to the limitations described below, and therefore allow equipment, materials, and debris material to operate additional hours; and

WHEREAS, motor carriers that are not directly supporting emergency response and recovery operations in the State of Nebraska, or that have an Out-Of-Service Order in effect may not take advantage of the relief from regulation that such a declaration provides under 49 CFR 390.23.

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 and for the purpose pursuant to 49 CFR part 390.23 of facilitating a waiver to the U.S. Department of Transportation, Federal Motor Carrier Safety Regulations, specifically 49 CFR part 395 Hours of Service of Drivers, do hereby declare that a State of Emergency within Nebraska for equipment, materials, and storm debris as of March 15, 2019 through April 15, 2019.

Pursuant to this declaration, I hereby order the following:

1. No motor carrier operating under the terms of this emergency declaration shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given a least ten (10) consecutive hour's off-duty before the driver is required to return to service.

2. Drivers operating under this proclamation shall carry a copy of the proclamation with them as evidence of their direct support to the State of Nebraska during this emergency period.

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3. The length and weight hauling requirements of federal and state law are also hereby suspended through the duration of the motor carrier's assistance in the disaster relief effort;

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 15th day of March 2019.

Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen, Secretary of State
State of Nebraska

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OFFICE OF THE GOVERNOR

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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:

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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

Attest:

Robert B. Evnen, Secretary of State
State of Nebraska

STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

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EXECUTIVE ORDER No. 19-04

EMERGENCY RELIEF DUE TO WEATHER EVENTS – REGISTRATIONS & PERMITS

WHEREAS, commercial motor vehicles and motor carriers are engaged in the business of transporting equipment, materials, and storm debris in conjunction with response and recovery efforts in the State of Nebraska due to a State of Emergency declared March 12, 2019 as a result of severe weather events during this winter; and

WHEREAS, the effective and efficient transportation of equipment, materials, and supplies are consistent with emergency management strategies to provide aid, comfort, and security necessary for the restoration of order and safety to local governmental jurisdictions in the State of Nebraska; and

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 equipment, materials, and storm debris as of March 15, 2019 through April 15, 2019.

Pursuant to this declaration, I hereby order the following:

1. The requirements for trip permits pertaining to vehicle registrations, set forth in Neb. Rev. Stat. §60-3,198 and for fuel tax permit requirements, set forth in Neb. Rev. Stat. §66-1,114 are hereby suspended as of March 20, 2019 through April 15, 2019.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 20th day of March 2019.

Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen, Secretary of State
State of Nebraska

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OFFICE OF THE GOVERNOR

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EXECUTIVE ORDER No. 19-05

EMERGENCY RELIEF DUE TO WEATHER EVENTS – LOCATE REQUESTS

WHEREAS, underground facility operators are engaged in the business of locating and marking the locations of their facilities in conjunction with response and recovery efforts in the State of Nebraska due to a State of Emergency declared March 12, 2019 as a result of severe weather events during this winter; and

WHEREAS, the effective locating of facilities impacted by the emergency conditions requires prioritizing locate responses due to these conditions to help ensure public safety; and

WHEREAS, the personnel needed to respond to the submitted locate requests may already be engaged in response efforts consistent with emergency management strategies to provide aid, comfort, and security necessary for the restoration of order and safety to local governmental jurisdictions in the State of Nebraska; and

WHEREAS, the Nebraska State Statute §76-2323 requirement that facilities respond to notifications of excavation no later than two business days after receipt of the information in the notice could hinder other disaster recovery efforts. A temporary extension to a seven day response time will allow for more efficient and focused disaster recovery effort; and

WHEREAS, this two business day condition would hinder necessary action in coping with the disaster and the declaration of a State of Emergency will facilitate the granting of a waiver of this requirement pursuant to Nebraska State Statute § 81-829.40 (6)(a); and

WHEREAS, facility owners that are not directly supporting emergency response and recovery operation in the State of Nebraska may not take advantage of the relief from statute that such a declaration provides under Nebraska State Statute § 81-829.40 (6)(a).

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 and for the purpose pursuant to Nebraska State Statute § 81-829.40 (6)(a) that the two business day response requirement in Nebraska State Statute §76-2323 is waived as of March 19, 2019, and a seven day response is allowed through April 15, 2019.

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IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 21st day of March 2019.

Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen, Secretary of State
State of Nebraska

Pete Ricketts
Governor

STATE OF NEBRASKA
OFFICE OF THE GOVERNOR
P.O. Box 94848 • Lincoln, Nebraska 68509-4848
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EXECUTIVE ORDER No. 19-06

EMERGENCY RELIEF DUE TO WEATHER EVENTS – LANDFILL DISPOSAL FEE

WHEREAS, the catastrophic weather event culminating in a State of Emergency declared March 12, 2019, has resulted in widespread destruction of property and an extraordinary amount of storm-related debris, solid waste, dead animal carcasses, and other damaged materials requiring proper management and disposal at licensed solid waste management facilities;

WHEREAS, the ability to expeditiously and efficiently process, manage, and properly dispose of this extraordinary amount of waste has the potential to further hinder, delay, or interfere with disaster recovery efforts being undertaken throughout the state;

WHEREAS, it is greatly encouraged that the assistance of the state's licensed solid waste disposal facilities support these emergency response efforts by facilitating, as conditions may warrant, the collection, management, and disposal of storm-related debris, solid waste, dead animal carcasses, and damaged materials so as to accelerate, to the greatest extent feasible, the recovery and return to normality for as many residents of Nebraska as possible, including waiving those portions of their own disposal and tipping fees as may be economically practicable;

WHEREAS, the landfill disposal fee established by Neb. Rev. Stat. § 13-2042 may be used by the Department of Environmental Quality to cover the direct and indirect costs of responding to environmental emergencies; and

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 storm-related debris management and solid waste disposal, as of April 3, 2019 through April 15, 2019.

Pursuant to this declaration, I hereby order the following:

1. The payment of the solid waste disposal fee imposed by Neb. Rev. Stat. § 13-2042 to the Department of Environmental Quality is suspended for those solid waste disposal facilities that direct the use of the state fees, which would have otherwise been paid to the State, to offset and defray the costs to Nebraska residents of solid waste management and disposal of storm-related debris, solid waste, dead animal carcasses, and damaged materials to the greatest extent possible.
2. In accordance with overall emergency response accounting, the solid waste disposal facilities that choose to avail themselves of this executive order and use these suspended fees for storm-

related debris, solid waste, dead animal carcasses, and damaged materials to the greatest extent possible.

2. In accordance with overall emergency response accounting, the solid waste disposal facilities that choose to avail themselves of this executive order and use these suspended fees for storm-related response activities will be asked to submit an accounting of their use to the Department of Environmental Quality within 30 days after the termination of the State of Emergency.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 3rd day of April 2019.

Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen, Secretary of State
State of Nebraska

STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER No. 19-07

EMERGENCY RELIEF DUE TO WEATHER EVENTS – EXECUTIVE ORDERS EXTENDED

WHEREAS, the catastrophic weather event culminating in a State of Emergency declared March 12, 2019, has resulted in widespread destruction of property; and

WHEREAS, these conditions threaten essential public health and safety services and endanger public property if response and recovery operations are disrupted.

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 an on-going State of Emergency within Nebraska, as of April 10, 2019 through May 15, 2019.

Pursuant to this declaration, I hereby order the following:

1. The extension of Executive Orders 19-02, 19-03, 19-04, 19-05, and 19-06 through May 15th, 2019.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 10th day of April 2019.

Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen, Secretary of State
State of Nebraska

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