

# Estancia Valley Solid Waste Authority

## Livestock Damage Policy

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It is the stated policy of the EVSWA Board of Directors to offer monetary payment in settlement of damage claims for livestock deaths due to ingested pollution, when the following conditions exist:

1. Pollution has been created at one of the facilities operated by EVSWA, including the TC/BC Regional Landfill, and
2. EVSWA is satisfied that the pollution identified above likely was generated from a EVSWA facility, and was in the area where the livestock were kept, and
3. The livestock owner reports the problem to EVSWA within five (5) days of the animal's death, and
4. The livestock owner arranges for a post-mortem examination by a licensed Doctor of Veterinary Medicine within five (5) days of the animal's death, and notifies EVSWA of the appointed time and place that the examination will be held, giving EVSWA the option of being present for the examination, and
5. The livestock owner submits necropsy results, documenting that the cause of death was the result of ingestion of the pollution identified above, and
6. The livestock owner submits to EVSWA a claim for payment for deceased livestock.

### Determination of Liability

When all of the above conditions exist, EVSWA shall, within ten (10) days of the date of claim, make a determination of liability. If liability is found to exist, payment will be made to compensate for lost livestock, at the fair market value of said livestock at the time of death. Reimbursement will also be made for the cost of the necropsy.

If there is no fault found, no payment will be made, and the claimant will be so notified.

### Appeal Procedure

If the claimant is denied payment, he will have ten (10) days from the date of liability determination notification to appeal the decision to the EVSWA Board of Directors. The EVSWA Board of Directors shall, within forty-five (45) days, hear the appeal of the claimant. Decision of the EVSWA Board of Directors is final.

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POLICY ACKNOWLEDGEMENT BY:

ATTEST:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

**Estancia Valley Solid Waste Authority**  
**LIVESTOCK LOSS CLAIM**

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Name \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_

Initial the following when completed:

\_\_\_\_\_ I have received a copy of the EVSWA Livestock Damage Policy

\_\_\_\_\_ Notification made to EVSWA management on (date): \_\_\_\_\_

\_\_\_\_\_ Necropsy attached

Reason why EVSWA should be accountable for death or injury: \_\_\_\_\_

\_\_\_\_\_

Location of animal when injured/killed: \_\_\_\_\_

\_\_\_\_\_

Description of animal injured/killed, including breed, age and weight: \_\_\_\_\_

\_\_\_\_\_

Market value of animal: \$ \_\_\_\_\_ based on \_\_\_\_\_

\_\_\_\_\_

Claimant Signature: \_\_\_\_\_

Date \_\_\_\_\_

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**FOR OFFICIAL USE ONLY**

Date claim received at EVSWA: \_\_\_\_\_

By: \_\_\_\_\_

EVSWA Representative