

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

INSPECTION REPORT

DATE: 1 February 2012

DISCHARGER: Rego Dairy # 2

LOCATION & COUNTY: 6255 Haley Rd, Gustine, CA 95322, Merced County

CONTACTS: Larry S. Rego – owner/operator
Franklin Rego – owner/operator

INSPECTION DATE: 1 February 2012

INSPECTED BY: Gilberto Corral, Jennifer Haynes, Sean Walsh (CVRWQCB)

ACCOMPANIED BY: Lt. Joe Mello, CA Dept. Fish and Game

OBSERVATIONS AND COMMENTS:

On 19 January 2012, Central Valley Regional Water Quality Control Board staff scheduled an appointment with Mr. Larry S. Rego to conduct a routine Inspection at the Rego Dairy # 2 on 1 February 2012. The Rego Dairy # 2 is permitted under Board Order No. R5-2007-0035 (General Order) for a total maximum of 343 mature cows (milking and dry, including 15%). During the 1 February 2012 inspection staff discovered onsite violations, record keeping violations, and an off-property wastewater discharge.

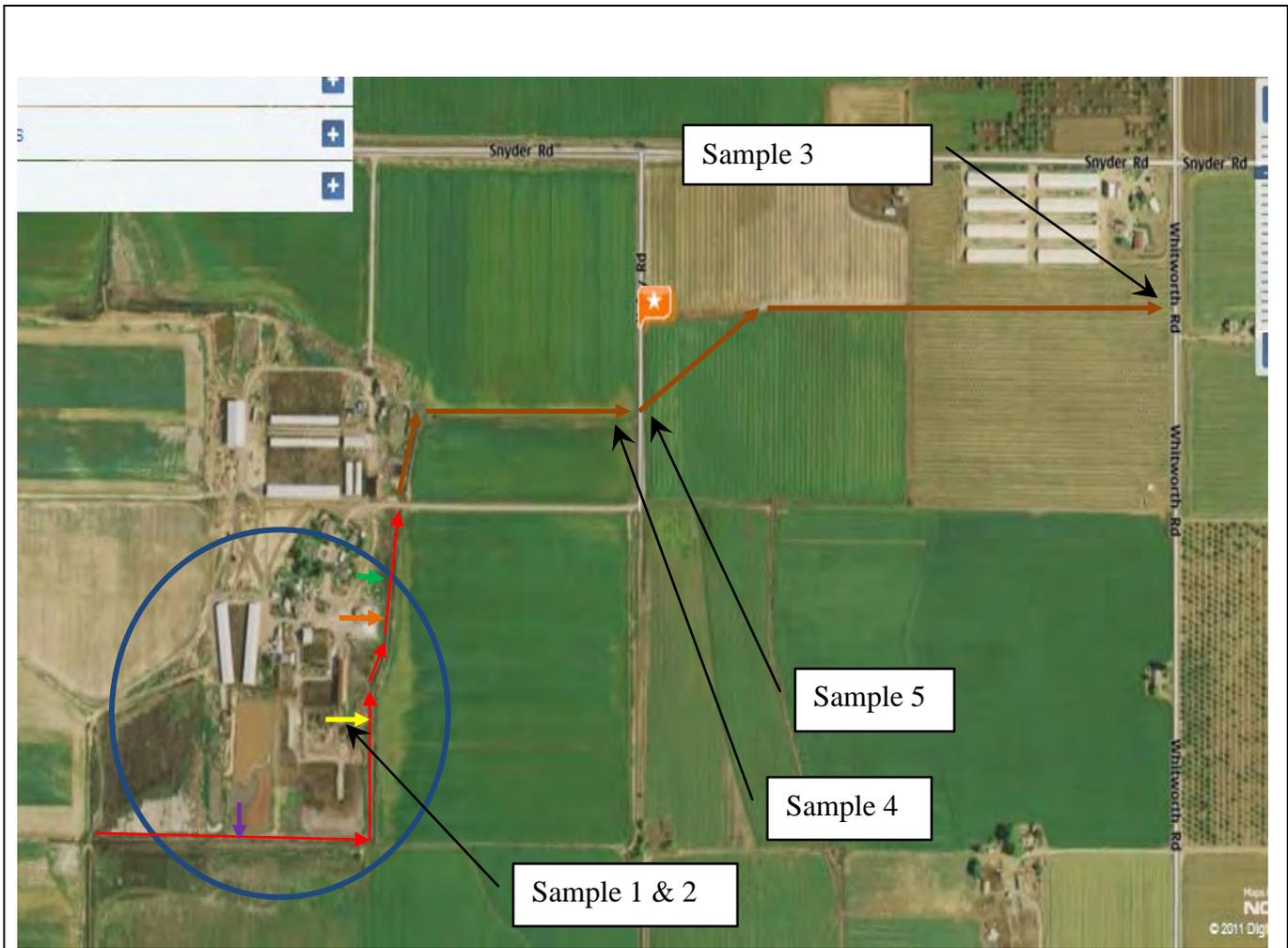
On 1 February 2012, staff arrived onsite and began the inspection by touring the dairy's production area with Mr. Rego. The Rego Dairy # 2 is surrounded by the following: (1) Rego Dairy #1 directly adjacent to the north, (2) Rego owned cropland to the west, and (3) an off-property drain ditch tributary to the Central California Irrigation District (CCID) Main Canal on the south and east perimeter. Staff first inspected the domestic well located north of the milk barn and observed it had a cracked concrete pad with an open well casing (see photo 1). Staff then inspected a second domestic well located adjacent to the milk barn and noticed heavy ponding and vegetation growth near the well (see photo 2). Staff then walked towards the mechanical separator and lagoon area. Staff noticed and Mr. Rego confirmed the mechanical separator was not being used (see photo 3). The dairy lagoon was inches from overflowing with excess weeds and rodent holes on the embankments (see photo 4). Additionally, staff observed veterinary medical supplies strewn along the bank of the lagoon (see photo 5). Staff discovered several eroded paths where wastewater had recently flowed from the lagoon both on-property and off-property (see photo 5). Staff also discovered a leaking 6-inch PVC pipe that had been plugged with concrete on the lagoon's south embankment (see photo 6). The leaking pipe was discharging wastewater from the lagoon directly into the off-property drain ditch. Mr. Rego told staff that he was unaware of the issue and that the drain ditch did not flow off-property, which was later discovered to be untrue. Staff observed the drain ditch along the south production area perimeter was full of manure wastewater (see photo 7). Mr. Rego attempted to persuade staff it was not manure wastewater. Directly west of the dairy lagoon staff observed a 1 to 2

acre area that resembled a lagoon, but it was manure wastewater on bare native soil (see photo 8). Mr. Rego told staff that the manure in this area was already there when he purchased the dairy property in 2002, but staff observed evidence that the wastewater from the lagoon had been dumped onto the 1 to 2 acre area recently. As staff walked on the lagoon embankment, staff observed the southeast corner of the production area contained a large animal burial area: several deceased cows covered in manure in one pile (see photo 9) and a larger area with cow carcasses in various stages of decomposition (see photo 10). Mr. Rego was very hesitant to allow staff to continue taking photos and complete their inspection, but did allow the inspection to continue after all. As staff and Mr. Rego approached the illegal burial area (see photo 11), staff observed more than fifty cow carcasses in various states of decay buried in cow manure and full-size cow bones next to the drain ditch (see photo 12). Staff asked Mr. Rego when he started burying dead cows onsite and Mr. Rego told staff that he started in 2002 and never stopped. Mr. Rego later telephoned staff and told them that he had recently started burying dead cows, not since 2002 as he had originally stated. Staff also observed that wastewater ponding in a corral and in the burial area (see photo 13) was flowing into the drain ditch. Staff collected two samples of wastewater flowing from a corral past the carcasses buried in manure and into the drain ditch. Staff continued walking the east perimeter of the production area and observed leachate runoff from the silage pile also being directed towards the drain ditch (see photo 14). As staff continued walking north along the east perimeter staff noticed a line of weeds from the back of a home on-property to the drain ditch. A further look revealed that septic waste was flowing to the ground surface and was being directed down a swale and to the drain ditch. Staff disturbed the soil along the discharge path and observed it to be black in color and had a strong smell consistent with septic waste (see photo 15).

Staff then gathered around their truck's tailgate to review records required by the General Order. Mr. Rego told staff that he did not have the documentation. Staff did review the recently revised Waste Management Plan (WMP) prepared by The Source Group Inc. on 18 November 2011 and signed by civil engineer Matthew C. Sutton on 2 December 2011. The WMP indicates sufficient storage for a 120 day storage period, but it is evident that the facility has a major shortage on storage capacity. The 2010 Annual Report revealed only four wastewater applications to cropland: in April, July and twice in August. The WMP needs to be updated to reflect a much longer storage period than the current 120 day storage period used. The WMP also reflects the use of a mechanical separator, but no mechanical separator is being used. This section of the WMP must also be revised. Staff also reviewed the Nutrient Management Plan dated 21 June 2009 and signed by Tom Prevost on 21 June 2009. No other required documentation was onsite.

After the inspection staff followed the wastewater in the drain ditch that originates along the Rego Dairy # 2 south and east perimeters and flows in an easterly direction. Staff observed the ditch was freely flowing off-property into an underground pipeline. Staff sampled the discharge at five strategic locations (see Table 1 and Map 1). Based on information received by CCID staff, the drain ditch flows to the CCID Main Canal. At that point Central Valley Water Board staff and Lt. Joe Mello with the CA Department of Fish and Game traveled on-property to notify Mr. Rego of his wastewater off-property discharge. Staff found Mr. Rego in the milk barn. Mr. Rego was asked to stop wastewater from discharging off-property. Mr. Rego placed a wooden board into a standpipe to prevent some wastewater from flowing off-property, but the wooden board did not completely stop the flow.

Sample No.	Location	Sample Collected Time (24-hour clock)	Temp (°C)	EC ($\mu\text{s}/\text{cm}$)	PH
1.	Corral Runoff – 2 Feet From Corral	1133	16.4	2731	8.86
2.	Corral Runoff – 3 Feet From Corral	1135	15.2	2740	8.84
3.	Orchard Stand Pipe – Westside of Whitworth Road, Between Snyder Road and Cottonwood Road	1428	12.6	1778	8.84
4.	Standpipe East side of Haley Road- South of Snyder Road	1439	12.0	1821	8.0
5.	Standpipe – Westside of Haley Road – South of Snyder Road	1442	12.3	1824	7.97



Map 1: The map shows the Rego Dairy # 2 at 6255 Haley Road in Gustine circled in blue in relation to the wastewater discharge path towards the CCID Main Canal. The red arrows represent the open drain ditch path and direction the wastewater flowed. The brown arrows represent an underground pipeline. CCID main canal is not visible in this aerial. The purple arrow represents wastewater discharging from the lagoon into the drain ditch. The yellow arrow represents corral/burial area runoff discharging to the drain ditch. The green arrow represents septic waste discharging into the drain ditch. The orange arrow represents silage leachate directed to the drain ditch. The locations of the five samples taken are shown above.



Map 2: This map shows problem areas at the Rego Dairy # 2 production area mentioned in the report.



Photo 1: Domestic well north of milk barn with some weeds surrounding a cracked concrete pad.



Photo 2: Domestic well near the milk barn with excessive weeds and ponding.



Photo 3: Photo of the mechanical separator not being used.



Photo 4: Photo of a near overtopping lagoon with excess weeds and rodent holes on the embankments.



Photo 5: Photo of veterinary medical supplies strewn along the bank of the lagoon. Note the eroded discharge path from the lagoon towards the drain ditch located on the lagoon's south embankment.



Photo 6: Photo of leaking 6-inch PVC pipe plugged with concrete on the lagoon's south embankment. The leaking pipe was discharging wastewater from the lagoon directly into the off-property drain ditch.

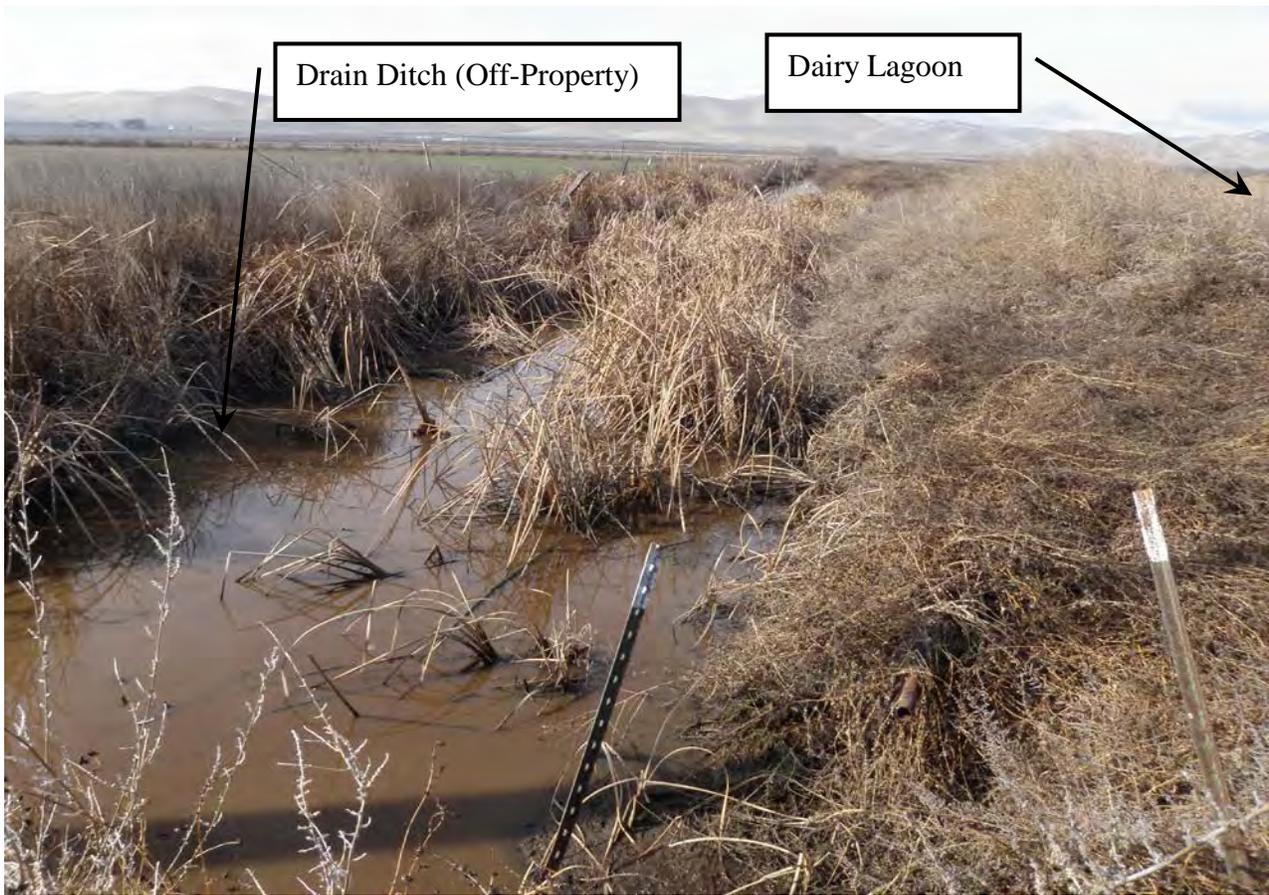


Photo 7: Photo of the drain ditch along the south production area perimeter full of manure wastewater.



Photo 8: Photo of the 1 to 2 acre area west of the dairy lagoon where manure wastewater was pumped from the lagoon onto bare native soil.



Photo 9: Photo of deceased cows covered in manure.



Photo 10: Photo of a large area with cow carcasses in various stages of decomposition.



Photo 11: Photo of the illegal burial area.



Photo 12: Photo of cow carcasses in cow manure and cow bones next to the drain ditch.



Photo 13: Photo of wastewater ponding adjacent to the burial area.



Photo 14: Photo of silage leachate being directed towards the drain ditch.



Photo 15: Photo of Septic waste being directed in a swale to the drain ditch. Note that the septic waste was black in color with a strong septic waste odor.