

THOMAS H. TERPSTRA

ATTORNEY AT LAW
A PROFESSIONAL CORPORATION

tterpstra@thtlaw.com

578 N. WILMA AVENUE

209.599.5003

SUITE A

F209.599.5008

RIPON, CA 95366

June 14, 2013

VIA EMAIL and U.S. MAIL

Ellen Howard
Vanessa Young
Staff Counsel, Office of Enforcement
State Water Resources Control Board
1001 "I" Street, 16th Floor
Sacramento, California 95814

Re: Administrative Civil Liability Complaints R5-2012-0561 and R5-2012-0564

Dear Ms. Howard:

This will confirm my previous email communication that the Law Office of Thomas H. Terpstra no longer represents Henry J. Tosta (dba Henry Tosta Dairy), Henry J. Tosta Jr. Family, Limited Partnership, and Henry J. Tosta Trust in connection with Administrative Civil Liability Complaint Numbers 2012-0561 and 2012-0564, effective immediately. Our final service to Mr. Tosta is the attached filing of Henry J. Tosta's Witness List and Evidence List pursuant to today's deadline. Please be advised that I have strongly recommended to Mr. Tosta that he obtain counsel as soon as possible, and he has begun that effort. Be further advised that Mr. Tosta's new counsel may wish to modify and/or augment today's filings, and on Mr. Tosta's behalf, I would request your reasonable cooperation in that regard, as well as in the transition itself.

Finally, I am mindful of the fact that the hearing in the Administrative Civil Liability Complaint R5-2012-0561 matter is less than six weeks away. I hope and trust that Mr. Tosta will secure new representation, but would once again request that the hearing be continued for at least 30 days to allow counsel time for adequate preparation.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

Law Office of Thomas H. Terpstra



Thomas H. Terpstra
Attorney-at-Law

Enclosures

HENRY J. TOSTA'S WITNESS LIST

- a. Jacqueline Captein (5 minutes)
Testimony regarding Mr. Tosta's efforts to comply with CAO and preparation of CNMP.
- b. Chris Skelton (10 minutes)
Testimony regarding existing groundwater background conditions and monitoring efforts.
- c. John Minney (10 minutes)
Testimony regarding existing groundwater background conditions and groundwater trends in the area of the facility.
- d. Anthony Enos (5 minutes)
Testimony regarding receiving manure from Tosta Dairy and application of same at agronomic rates.
- e. Tom Genacei (5 minutes)
Testimony regarding receiving manure from Tosta Dairy and application of same at agronomic rates.
- f. Lonnie Avila (5 minutes)
Testimony regarding receiving manure from Tosta Dairy and application of same at agronomic rates.
- g. Bruce Mellor (5 minutes)
Testimony regarding receiving manure from Tosta Dairy and application of same at agronomic rates.
- h. Hugo Van Vliet (5 minutes)
Testimony regarding history of operations at Tosta Dairy.
- i. Henry Tosta (30 minutes)
Testimony regarding Mr. Tosta's efforts to comply with CAO, financial difficulties in doing so, efforts to re-design dairy facility.

HENRY J. TOSTA'S EVIDENCE LIST

The following items are evidence for the Central Valley Regional Water Quality Control Board hearing regarding Administrative Civil Liability Complaint No. R5-2012-0561, Henry J. Tosta (dba Henry Tosta Dairy), Henry J. Tosta Jr. Family, Limited Partnership, Henry J. Tosta Trust. This matter is scheduled to be heard at the July 25/26, 2013 Central Valley Water Board meeting in Rancho Cordova. This list consists of evidence not already attached or included in Administrative Civil Liability Complaint No. R5-2012-0561.

Exhibit	Description of Document	Document Date
1	Declarations of Farmers re: manure disposal	
2	Sedona Geologic Limited Groundwater Assessment Report	
3	Tax Returns and related financial information (previously furnished to Prosecution Team)	
4	Ability to Pay forms and supporting documentation	