

News

THOUSANDS OF TONS OF MANURE BUILDUP MAY COST DAIRY \$1.4M MANURE, BURIED COWS POTENTIALLY PUT GROUNDWATER AT RISK

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TRACY - State water cops this week proposed fining a dairyman nearly \$1.4 million, saying he allowed tens of thousands of tons of manure to accumulate on his farm and illegally buried dead cows on nearby cropland.

Henry Tosta said Wednesday he will fight the penalty, which he said would put him out of business.

Most of the fine stems from the discovery of excess manure at Tosta's dairy and his failure to submit a plan to deal with it. In documents, state regulators estimate the waste was several feet deep and encroaching on the animals' corrals.

The Central Valley Regional Water Quality Control Board estimated there were 131,052 tons of manure at Tosta's dairy on San Jose Road, more than triple its storage capacity.

Most of the manure is now gone, Tosta said. He said he was unaware until recently that the plan was overdue.

The penalty also addresses dead cows from Tosta's dairy that were found buried in a watery pit at the Reeve Road Heifer Ranch, a nearby property that Tosta operates. In addition to the corpses, numerous cow bones were found in an old manure lagoon, according to state documents.

It's still unclear exactly how many cows have been buried there. Based on Tosta's own estimate, the water board previously put the number at anywhere from 240 to 436.

After a Record story about Tosta's case last summer, however, the board reported receiving a statement from an informant who claimed there were thousands of buried cows. The informant claimed some of the cows were still alive when they were buried.

Tosta denied both claims. He said the informant was a disgruntled family member.

"I'm in the business of milking cows," Tosta said. "I want every cow alive I can possibly get. You can't believe what we do to try to keep them alive."

Under a plan approved in 2007, dairies are prohibited from burying cow carcasses because they might pollute groundwater. Instead, cows must be taken by a rendering company or disposed of at a landfill.

Tosta admits to burying only two cows recently. He said they were in such foul shape that the tallow company would not accept them. And he didn't want to take them to a landfill.

"Can you imagine me taking a dead cow in the back of my pickup up Highway 99 all the way to the Linden?" he said.

Photos obtained by the water board show more than two dead cows - "dozens," the board estimates. Tosta said those cows were buried before the rules took effect in 2007.

In a statement, water board Executive Officer Pamela Creedon called the violations "extremely serious" and said they were compounded by a lack of cleanup activities by Tosta since the problems were first identified last spring.

"The vast majority of dairy operators in the Central Valley work hard to follow good environmental practices and to abide by the (rules)," Creedon said.

The owner's "blatant disregard for the law," she added, "has created unhealthy and dangerous conditions, polluting the waters of the state of California."

The penalty could be approved by the water board at a meeting in January.

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