paper copy received here 7/20/12

Western Dairy Design Associates, Inc.
316 West F Street, Ste 100
Oakdale, CA 95361
(209) 848-8674
www.dairydesigners.com

Central Valley Regional Water Quality Control Board 18 July 2012
11020 Sun Center Drive #200
Rancho Cordova, California 95670

Henry J. Tosta
20662 San Jose Road
Tracy, California 95304

Cleanup and Abatement Order R5-2012-0709 – Reeve Road Heifer Ranch
21070 Reeve Road
Tracy, California 95304

Comprehensive Report – Dead Animal Removal - Reeve Road Heifer Ranch

Work:
NOTE: (DA) = work done by Dave Avila. (JF) – work done by Jeff Fleming.

19 June 2012; Review violation documents. (DA)
20 June 2012; Visit site and survey facility with Mr. Tosta to get an understanding of situation. Locate and clear around monitoring wells (3). Assess abandoned drain pipe at settling pond #1-Naglee drain. Assess dead animal burial site. (DA)
21 June 2012; Start letter to Charlene Herbst-extension for bone and carcass removal. (DA)
Research above-ground carcass composting studies. (JF)
22 June 2012; Finish letter to Charlene Herbst-extension. Communicate with Ellen Howard; communicate with Dept. of Meat, Poultry & Egg Safety- quarantine permit. (DA)
25 June 2012; Observe and coordinate bone and carcass removal at burial site. Pull water samples below burial site and adjacent Naglee Drain; ice water samples and deliver them to A&L Laboratory in Modesto for testing. (DA)
27 June 2012; Visit site to verify bone removal at heifer ranch. Pick up some bones overlooked. Gave bones to Mr. Tosta for delivery to rendering company. (DA)
28 June 2012; Visit site to walk area of clean up with WQCB staff. Gave Sean Walsh a copy of the Foothill Landfill receipt as "proof of legal disposal," as required by Cleanup and Abatement Order R5-2012-0709, Directive 2, before 2 July 2012. (DA)
29 June 2012; Worked on information for Cleanup and Abatement Plan for Sean Walsh. (DA)
3 July 2012; Visit site to walk area of clean up with WQCB staff. (DA)
Investigate lagoons grandfather date for Title 27 lagoons, print maps & WMP of facility. (JF)

5 July 2012; Write and send Cleanup and Abatement Plan to Sean Walsh. (JF)
6 July 2012; Meeting to review project objectives. (DA) & (JF)
10-11 July 2012; Examine lab results. Prepare monitor well sampling equipment. Write Comprehensive Report – Dead Animal Removal - Reeve Road Heifer Ranch (JF)
12 July 2012; Observe the sampling of one of three monitoring wells by WQCB staff. (DA)
13 July 2012; Complete the Comprehensive Report – Dead Animal Removal - Reeve Road Heifer Ranch. (JF) Review the Comprehensive Report – Dead Animal Removal - Reeve Road Heifer Ranch. (DA)

Item #1- Mr. Tosta has stopped his periodic burial of dead animals at his designated burial site. He has service from Moniz Tallow, which performs animal pickup for rendering.

Moniz Tallow
PO Box 766
Denair CA 95316
(209) 678-0044

Mr. Tosta typically attempts to sell any cow that develops health issues before they die. He will be more vigilant to "force" the rendering company to pick up the dead animals as they are contracted rather than allow them to reject an animal for pickup. If the event occurs he is stuck with a dead animal, he will deliver the animal to the Foothill Landfill which is the only facility in San Joaquin County that is permitted to receive dead large animals. Mr. Tosta will obtain a "Notice of Required Action Pursuant to Quarantine" from the Meat, Poultry and Egg Safety Department prior to transport of any dead carcasses to the Foothill Landfill.
See attached copy of the Notice of Required Action Pursuant to Quarantine form from the Meat, Poultry and Egg Safety Department.

Foothill Landfill
6484 North Waverly Road
Linden CA 95236
(209) 468-3066
Open daily from 7:00 am to 5:00 pm.

Item #2- During a site visit on 20 June, 2012, the area where animals were buried was identified and located. One animal was slightly exposed in the same location as the photo taken by WQCB staff at their 1 May 2012 closure inspection. This location was near the edge of the field, and separated from the Naglee Drain canal by a 12 foot wide canal bank road. It was approximately 20' into the field.

Mr. Tosta has expended significant time and effort in the animal burial site cleanup. Mr. Tosta attempted to begin cleanup to meet the deadline date of Cleanup and Abatement Order R5-2012-0709, Directive 2 with his own 580C backhoe, but a mechanical breakdown ensued.
See attached invoice from M.T. Ag Repair.
Mr. Tosta then hired excavator service from Faria & Son to recover the several decomposing carcasses and other bones.

Faria & Son
21185 West Williams
Hilmar CA 95324
(209) 634-1891

Due to equipment and personnel availability issues, the excavation occurred and was completed on the deadline date of Monday 25 June, 2012. A Case Model CX210B excavator was used by Faria & Son. An area 35 feet wide, 425 feet long, and 7' to 8' deep was excavated along the south bank road of the Naglee Drain (Burial Site).

See attached photos of the excavation and recovery operation.
See attached aerial photo, upon which the Burial Site is indicated.

This encompasses the entire burial site, as confirmed by Mr. Tosta.

The flesh and hide of the two cows observed on May 1 had almost completely decomposed (90%) by the excavation date, 55 days after the WQCB 1 May 2012 inspection. The remaining bones, decomposing materials and the soil that had evidence of residues of sorts were removed and loaded onto the dump trailer for removal to the Foothill Landfill.

All other bones unearthed were dry with no marrow. All organic materials, flesh, hide ,etc. were nonexistent except at the recently buried carcasses observed by WQCB on May 1 2012. Only bones and organic stomach residue were left in the case of the other animals.

All these materials were loaded onto the dump trailer, transported under the "quarantine" form from the Meat, Poultry and Egg Safety Department at the Foothill Landfill, which was mentioned in item #1 above. 8680 pounds were taken to the landfill in a dump trailer and disposed, of which about 90%, or 8000 lbs, was earth which surrounded the recent remains.

The remains recovered are estimated to be from 8 to 12 animals. The number is difficult to determine because of the yearly ripping farming practice described below. This soil ripping activity destroyed any carcass continuity which would have made it possible to determine more accurately the number of animals.

See attached copy of the Notice of Required Action Pursuant to Quarantine form from the Meat, Poultry and Egg Safety Department.
See attached photo copy of the dumping receipt from the Foothill Landfill, dated 3 July 2012.

A copy of the Foothill Landfill receipt dated 25 June 2012 was also submitted directly to Sean Walsh on 28 June 2012 as "proof of legal disposal," as required by Cleanup and Abatement Order R5-2012-0709, Directive 2, before the deadline of 2 July 2012.

Bone fragments were said to be observed by the RWQCB inspection team in the field south and adjacent to the burial site. Mr. Avila walked the field in the area described by Mr. Corral to verify conditions. Mr. Avila found broken bone fragments as well as pieces of concrete. Then, discussing the findings, Mr. Tosta described his farming practices which are to 30" deep ripping, disking, and land-planing each field every fall. This practice explains the presence of surface bone and concrete fragments at locations in the field, south of the burial site, because "ripping" the shallow graves at the burial site would break and bring bones fragments to the surface. Land planing would then drag the fragments throughout the field. The concrete fragments are the result of manure spread from the corrals and land planing. The bone fragments which were transported to locations beyond the burial site were from completely decomposed animals. No animals were buried outside the burial site, according to Mr. Tosta's statement. The yearly ripping effectively broke up any skeletal remains, making it practically impossible to determine exactly how many animals had been interred in the burial site.

Item #3- Since Faria & Son's Case CX210B excavator was at the work site doing the carcass removal, an 18 feet deep hole to ground water was dug directly below the most recent buried animals which had been observed by WQCB staff at their 1 May 2012 closure inspection. Damp soil was encountered in the bottom 2 feet, 16' to 18' below grade.
See attached aerial photo, upon which the Burial Site and sample location are indicated.
Considering that the most noticeable impact from buried animals on the ground water would be under the most recent burial location, Mr. Avila had Manny Faria pull two bottles of water samples directly from the ponding ground water at the bottom of the excavation. One sample was immediately field tested for ph, EC and temperature, both bottles were labeled and stored in an ice chest with ice. The groundwater sample excavation was backfilled and compacted in 2 foot lifts.
See attached water test results from A&L Laboratory in Modesto, California.

Item 4, part a- Ground water and Naglee Drain water samples were collected, labeled, placed in an iced chest and submitted to A&L Laboratory in Modesto in the same afternoon of Monday 25 June 2012. The Ground water and Naglee Drain water lab sample results are currently being analyzed by our geologist.

See attached water test results from A&L Laboratory in Modesto, California.

Item 4, part b- Western Dairy Design is not involved with the "dairy closure plan" of the heifer facility. A brief summary of the dairy closure plan was included in the Heifer Facility Cleanup and Abatement Plan which was sent to Mr. Sean Walsh of RWQCB on 5 July 2012. A report of the closure (as a dairy) of the Reeve Road Heifer Ranch will be submitted once the dairy closure plan implementation activities are completed, which, because of concurrent work at the Henry Tosta Dairy, we estimate will be completed 27 July, 2012.

Item 5- The well repairs have been completed by Angelo Borges, and were inspected by Sean Walsh and David Avila 3 July 2012. The holes beneath the well pad at Well #1 were filled, the cracked well pad at Well #2 was repaired, and the vegetation and dirt was cleaned from the #3 well pad.

Thank you,

David Avila, President — Date: 6 July 2012

Henry Tosta — Date: 7-18-12

S:\SVDWG\053 Henry Tosta\053-12 MWISP\WQCB Info\12-07-12 Comprehensive Reort - Animal Removal-Heifer Ranch.doc

Bones visible above ground at burial site prior to excavation.

Some hide, hair, and a tail visibly exposed above ground at burial site prior to excavation.

Some hide and hair visibly exposed above ground at burial site prior to excavation.

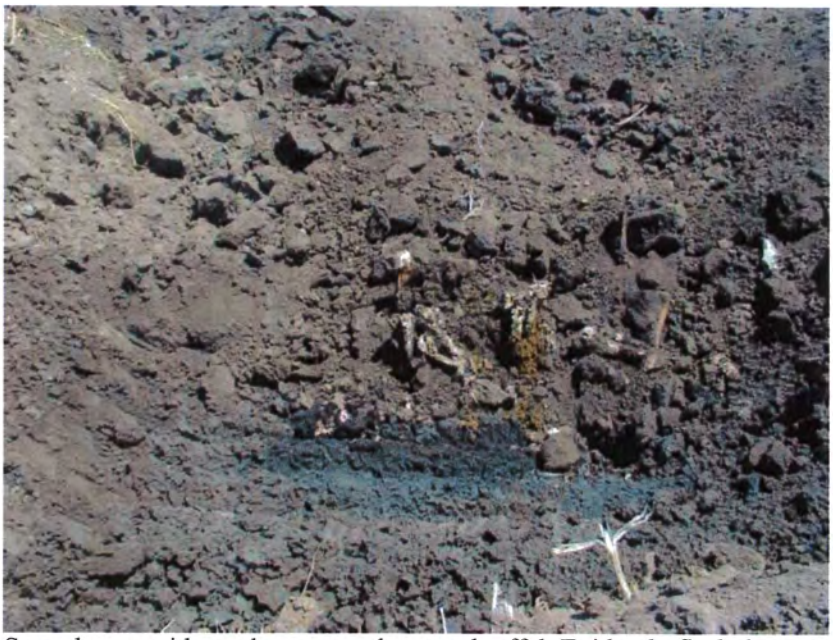
Faria & Son's Case CX210B excavator at work.

Pelvis at burial site.

Ribs and concrete fragments at burial site.

Bones at burial site.

Skull/Jawbone found at burial site.



Some bones with un-decomposed stomach offal. Evidently flesh decomposes faster than grasses.

Bone pile in dump trailer.

Earth pile in dump trailer.

Earth and Bone piles in dump trailer. This is not the whole load.

Typical bone fragment in field south of burial site. Cell phone included for scale.

Typical concrete fragment in field south of burial site. Cell phone included for scale.

Concrete and bone fragments in field south of burial site.

Concrete fragment in field south of burial site.

Concrete and bone fragments in field south of burial site.

Concrete and bone fragments in field south of burial site.

Concrete and bone fragments in field south of burial site.

Bone fragment in field south of burial site.

M.T.AG.REPAIR
MARK THOMPSON
P.O. BOX 27
HUGHSON,CA.95326

Ck # 17888

Date 6/18/2012
Invoice # 453

Bill To

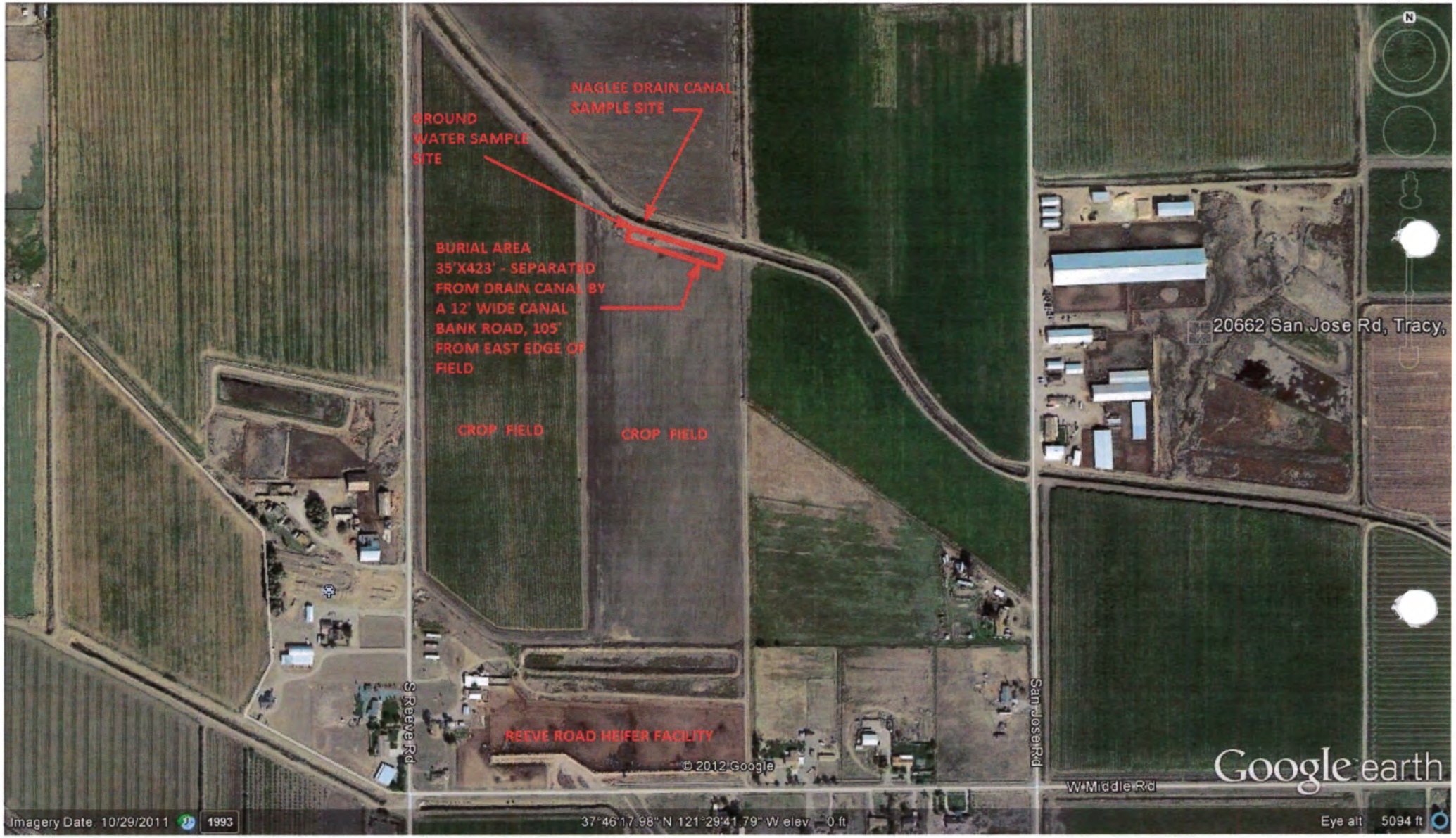
Ship Date 6/18/2012
Due Date 6/18/2012
P.O. #
Terms

Description	Qty	Amount
Tear down engine. Clean all parts. Set out and inspect. Water in oil caused by O-ring surface damage on #1 cylinder. Rod bearing spun on #4 cylinder. Send crank shaft head and block to machine shop. Crank shaft was ground to .10/.10. Sleeved block on #1 cylinder. Clean check and mill head. Hot tank block and check. Install new cam-bearings in block. Resize rods. Pick up parts from machine shop. Install sleeves in block. Installed new pistons and rings on rods. Replaced all gaskets. Check and adjust oil relief on oil pump. Reassemble engine and paint.	16	933.60
Engine Kit for 580 C Backhoe/ Serial # 9003642	1	878.83
Outside Labor Machine Shop	1	645.00
Customer had injection pump rebuilt and I installed.		0.00

580C Motor

M.T.AG.REPAIR 209-613-2558

Total	$2,457.43
Payments/Credits	$0.00
Balance Due	$2,457.43


NAGLEE DRAIN CANAL SAMPLE SITE
GROUND WATER SAMPLE SITE
BURIAL AREA 35'X423' - SEPARATED FROM DRAIN CANAL BY A 12' WIDE CANAL BANK ROAD, 105' FROM EAST EDGE OF FIELD
CROP FIELD
CROP FIELD
20662 San Jose Rd, Tracy,
S Reeve Rd
San Jose Rd
W Middle Rd
REEVE ROAD HEIFER FACILITY
© 2012 Google
Google earth
Imagery Date: 10/29/2011
1993
37°46'17.98" N 121°29'41.79" W elev -0 ft
Eye alt 5094 ft

California Department of Food and Agriculture
Animal Health and Food Safety Services

1220 N Street, Room A-114
Sacramento, California 95814

Telephone: (916) 654-0881
Facsimile: (916) 653-4249

NOTICE OF REQUIRED ACTION PURSUANT TO QUARANTINE

Owner: Henry Tosta, 20662 San Jose Road, Tracy, CA 95304

You are hereby notified that the State Veterinarian has imposed a Quarantine pursuant to Food and Agricultural Code section 9562.

The Quarantine includes the following population of animals or animal product:

Description of Population of Animals or Animal Product:

Buried Holstein cattle. Approximately 12 total.

Present location:

Reeve Road Heifer Ranch, 21070 Reeve Road, Tracy, CA 95304

Pursuant to Food and Agricultural Code section 9562 and Title 3, California Code of Regulations, section 1301 *et seq.*, you are required by the State Veterinarian to (check all that apply):

❑ Hold the population of animals or animal product described above on the premises where it is now located.

❑ Move the population of animals or animal product described above from the present location to

_____ no later than _____ a.m. / p.m. on _____.
The method of movement shall be _____.

❑ Cease all efforts to cause the population of animals or animal product described above to enter the State of California.

❑ Segregate the population of animals or animal product described above from other animals or food products no later than

_____ a.m. / p.m. on _____. The method of segregation shall be

_____.

❑ Isolate the population of animals or animal product described above no later than _____ a.m. / p.m. on _____.
The method of isolation shall be _____.

❑ Treat the population of animals or animal product described above no later than _____ a.m. / p.m. on _____.
The method of treatment shall be _____.

X Destroy and dispose of the population of animals or animal product described above no later than 5:00 p.m. on July 6, 2012. The method of destruction shall be No destruction necessary. The method of disposal after destruction shall be Burial at Foothill Landfill, 6484 North Waverly Road, Linden, CA 95236, and disposal shall be completed no later than 5:00 p.m. on July 6, 2012.

❑ The Quarantine is imposed by the State Veterinarian because the population of animals or animal product described above may be infected or infested, has been exposed to a condition that could transmit an illness that could kill or seriously damage other animals or humans, or may be at risk for such exposure. An epidemiological investigation will be conducted pursuant to Food and Agricultural Code section 9562, and Title 3 of the California Code of Regulations, section 1301 *et seq.* to determine the condition affecting the population of animals or animal product.

❑ The Quarantine is imposed by the State Veterinarian in the circumstances of natural disaster, whether occurring or imminent, or a declared emergency.

The State Veterinarian may modify the action(s) required in this Notice, if warranted by circumstances or assessment.

Failure to comply with this Notice of Required Action is a violation of Title 3, California Code of Regulations, section 1301.8 and will result in the Department of Food and Agriculture pursuing appropriate remedies, including but not limited to law enforcement involvement, and may interfere with your receiving indemnity payments to which you might be entitled.

Notice issued by: Douglas Hepper, D.V.M. Title Branch Chief Date June 22, 2012 Time 1620

Notice served by: Douglas Hepper, D.V.M. Title Branch Chief Date June 22, 2012 Time 1620

Notice received by: David Avila (for Henry Tosta) Title President Date 22 June 2012 Time 6:05 P.M.
Western Dairy Design Assoc. Inc.
316 West F Street, Ste 100
Oakdale, California 95361
209-848-8674

YOUR APPEAL RIGHTS

You may appeal the imposition of the Quarantine in an informal hearing process, pursuant to Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code and Title 3, California Code of Regulations, section 1301.3, by contacting the Division of Animal Health and Food Safety Services, 1220 N Street, Room A-114, Sacramento, California 95814, telephone (916) 654-0881, facsimile (916) 653-4249, and requesting an informal hearing.

❑ **YOUR REQUEST FOR A HEARING MUST BE RECEIVED WITHIN 72 HOURS OF THE SERVICE OF THIS NOTICE.**

❑ **YOUR REQUEST FOR A HEARING MUST BE RECEIVED NO LATER THAN _____ A.M. / P.M. ON _____.**

California Department of Food and Agriculture
Animal Health and Food Safety Services

1220 N Street, Room A-114
Sacramento, California 95814

Telephone: (916) 654-0881
Facsimile: (916) 653-4249

RELEASE OF QUARANTINE

(Food and Agricultural Code Section 9562 and Title 3, California Code of Regulations Section 1301 *et seq.*)

Owner:

You are hereby notified that the population of animals or animal product described below that were placed under Quarantine on is released from Quarantine.

Description of Population of Animals or Animal Product:

Present Location:

Notice issued by: Title Date Time

Notice served by:

Title

Date
Time

Notice received by: Title Date Time

Note: Other populations of animals or animal product not described above that are subject to the Quarantine remain subject to the Quarantine until you receive written notice releasing them from Quarantine.

NOTE: A copy of the landfill recepit has been sent to the CDFA, with a request for a release of quarantine - Western Dairy Design

887-3969

FOOTHILL SANITARY LANDFILL
6464 N. WAVERLY RD.
Lindon, CA 95236
7:00 AM to 5:00 PM DAILY

Weighed: GABE
Deposit: GABE
BILL TO: 0
CASH CUSTOMER

Vehicle ID: W
Reference: 9D35715
COMPANY: HENRY TOSTA DAIRY
PHONE #: 209 836 1286
CHECK #: 17893

Origin: TRACY
DATE IN: 06/25/2012 TIME IN: 14:41:34
DATE OUT: 06/25/2012 TIME OUT: 14:59:08

INBOUND TICKET Number: 52-082544

SCALE 1 GROSS WT	42920	LB
SCALE 1 TARE WT.	34240	LB
NET WEIGHT	8680	LB

Qty	Description	Amount
4.34	WEIGHED WASTE	144.44

NET CASH AMOUNT: 144.44

AMT. TENDERED: 144.44
CHANGE AMOUNT: 0.00
CHECK # 17893

Henry Tosta · CAO
#R5-2012-0709
Reeve Road Heifer Ranch.
(Arcuss bone & composted residue/soil from 2 cows

County Solid Waste
468-3066

A & L WESTERN AGRICULTURAL LABORATORIES, INC.

1311 Woodland Avenue, Suite 1 • Modesto, California 95351 • (209) 529-4080

Report No: 12-177-100

Account No: 4206-D

Send To: WESTERN DAIRY DESIGN
316 W. F STREET, SUITE 100
OAKDALE, CA 95361

Project: Henry Tosta

Submitted by: David Avila

Date Received: 06/24/2012
Date Reported: 07/06/2012

PATHOGEN ANALYSIS REPORT

Lab Number:	Sample ID:	Total Coliform MPN/100 ml	E.coli MPN/100 mL
61208	#1 – Bottom Trench – 18' 6/24/12 12:30	>2419.6	68.9
61209	#2 – Bottom Trench – 18' 6/24/12 12:30	>2419.6	156.5
61210	#3 – Naglee Drain Adj Trench 6/24/12 12:35	>2419.6	360.9

A & L Western Agricultural Laboratories

Robert Butterfield
Laboratory Director

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1311 Woodland Avenue, Suite 1 • Modesto, California 95351 • (209) 529-4080

Report No: 12-177-100

Account No: 4206-D

Send to: WESTERN DAIRY DESIGN
316 W. F STREET, SUITE 100
OAKDALE, CA 95361

Project: Henry Tosta

Submitted By: David Avila

Lab Number: 61210

Sample ID: #3 – Naglee Drain Adj Trench 06/24/12 12:35

Date Received: 06/24/2012
Date Reported: 07/06/2012

WATER ANALYSIS REPORT

Detection Limit	Analyte	Level Found	Method Code
0.05 mg/L	Ammonia Nitrogen	1.5 mg/L	SM 4500-NH_3 B
0.5 mg/L	Nitrate Nitrogen	0.7 mg/L	SM 4500-NO_3 F
10 mg/L	Total Dissolved Solids	960 mg/L	SM 2540 C
Range = 4-10	pH	7.6 std. units	SM 4500-H^+ B
1 mg/L	Calcium	48 mg/L	SM 3120 B
1 mg/L	Magnesium	26 mg/L	SM 3120 B
1 mg/L	Sodium	106 mg/L	SM 3120 B
10 mg/L	Bicarbonate	198 mg/L	SM 2320 B
10 mg/L	Carbonate	0 mg/L	SM 2320 B
1 mg/L	Sulfate	157 mg/L	SM 3120 B
2 mg/L	Chloride	119 mg/L	SM 4500 B

BDL - INDICATES THE LEVEL FOUND IS BELOW THE ESTABLISHED DETECTION LIMIT FOR THAT ANALYTE.

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Robert Butterfield
Laboratory Director

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Report No: 12-177-100

Account No: 4206-D

Send to: WESTERN DAIRY DESIGN
316 W. F STREET, SUITE 100
OAKDALE, CA 95361

Project: Henry Tosta

Submitted By: David Avila

Lab Number: 61208

Sample ID: #1 – Bottom Trench – 18' 06/24/12 12:30

Date Received: 06/24/2012
Date Reported: 07/06/2012

WATER ANALYSIS REPORT

Detection Limit	Analyte	Level Found	Method Code
0.05 mg/L	Ammonia Nitrogen	5.2 mg/L	SM 4500-NH_3 B
0.5 mg/L	Nitrate Nitrogen	30 mg/L	SM 4500-NO_3 F
10 mg/L	Total Dissolved Solids	8304 mg/L	SM 2540 C
Range = 4-10	pH	7.6 std. units	SM 4500-H^+ B
1 mg/L	Calcium	402 mg/L	SM 3120 B
1 mg/L	Magnesium	229 mg/L	SM 3120 B
1 mg/L	Sodium	1059 mg/L	SM 3120 B
10 mg/L	Bicarbonate	543 mg/L	SM 2320 B
10 mg/L	Carbonate	0 mg/L	SM 2320 B
1 mg/L	Sulfate	2105 mg/L	SM 3120 B
2 mg/L	Chloride	957 mg/L	SM 4500 B

BDL - INDICATES THE LEVEL FOUND IS BELOW THE ESTABLISHED DETECTION LIMIT FOR THAT ANALYTE

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Laboratory Director

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1311 Woodland Avenue, Suite 1 • Modesto, California 95351 • (209) 529-4080

Report No: 12-177-100

Account No: 4206-D

Send to: WESTERN DAIRY DESIGN
316 W. F STREET, SUITE 100
OAKDALE, CA 95361

Project: Henry Tosta

Submitted By: David Avila

Lab Number: 61209

Sample ID: #2 – Bottom Trench – 18' 06/24/12 12:30

Date Received: 06/24/2012
Date Reported: 07/06/2012

WATER ANALYSIS REPORT

Detection Limit	Analyte	Level Found	Method Code
0.05 mg/L	Ammonia Nitrogen	5.2 mg/L	SM 4500-NH_3 B
0.5 mg/L	Nitrate Nitrogen	21.9 mg/L	SM 4500-NO_3 F
10 mg/L	Total Dissolved Solids	8324 mg/L	SM 2540 C
Range = 4-10	pH	7.5 std. units	SM 4500-H^+ B
1 mg/L	Calcium	397 mg/L	SM 3120 B
1 mg/L	Magnesium	229 mg/L	SM 3120 B
1 mg/L	Sodium	1023 mg/L	SM 3120 B
10 mg/L	Bicarbonate	659 mg/L	SM 2320 B
10 mg/L	Carbonate	0 mg/L	SM 2320 B
1 mg/L	Sulfate	2116 mg/L	SM 3120 B
2 mg/L	Chloride	957 mg/L	SM 4500 B

BDL - INDICATES THE LEVEL FOUND IS BELOW THE ESTABLISHED DETECTION LIMIT FOR THAT ANALYTE.

A & L Western Agricultural Laboratories

Robert Butterfield
Laboratory Director

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