California Water Boards

Edmund G. Brown Jr.
Governor

Matthew Rodriquez
Secretary for Environmental Protection

Central Valley Regional Water Quality Control Board

APPROVED
author
senior 9/13/12
9/13/12

14 September 2012

FILE COPY

CERTIFIED MAIL NO.
7012 0470 0000 9903 6521

Henry J. Tosta (dba Reeve Road Heifer Ranch)
20662 San Jose Road
Tracy, CA 95304

CERTIFIED MAIL NO.
7012 0470 0000 9903 6538

Echeverria Brothers Dairy General Partnership
4403 Bear Mountain Blvd
Bakersfield, 93313-9783

STATUS OF COMPLIANCE WITH CLEANUP AND ABATEMENT ORDER R5-2012-0709, REEVE ROAD HEIFER RANCH, 21070 REEVE ROAD, TRACY, SAN JOAQUIN COUNTY

On 11 June 2012 The Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Cleanup and Abatement Order (CAO) R5-2012-0709 to Henry J. Tosta, operator, and the Echeverria Brothers Dairy General Partnership, owner, of the Reeve Road Heifer Ranch (hereafter collectively referred to as "Discharger").

The CAO contained five Directives that required specific cleanup actions to be completed and reported to the Central Valley Water Board. Central Valley Water Board staff have reviewed the information submitted by the Discharger's consultants, Western Dairy Design, including the letters dated 20 June 2012 (received 5 July 2012) 18 July 2012, 26 July 2012 (received 3 August 2012), and the results of Water Board staff's site inspections on 3 July 2012, 12 July 2012, 17 July 2012, 26 July 2012, and 5 September 2012. This letter provides written clarification to the discharger about the requirements of these directives and notification to the Discharger that as of the date of this letter, several directives in the CAO remain incomplete.

The Central Valley Water Board's Executive Officer may refer the matter to the state Attorney General for judicial enforcement, or may issue a complaint for penalties in an amount not to exceed **$5,000 per day** for each day in which the Discharger remains out of compliance.

Incomplete Responses to CAO Directive 2

Directive 2 required the Discharger to begin removal of dead animals buried on APN 209-300-016 adjacent to the main line of the Naglee Burke Irrigation District by 18 June 2012, to complete removal of animals by 25 June 2012, and submit proof of legal disposal of the carcasses by 2 July 2012.

On 6 July, 2012 a letter dated 21 June 2012 and signed by Henry Tosta on 5 July 2012 was submitted to the Central Valley Water Board by Western Dairy Design (Enclosure 1). This letter

outlined planned responses to Cleanup and Abatement Order R5-2012-0709 and included a history of communication with Regional Board staff and counsel, and presented a timetable for compliance with the five directives in the CAO. Unfortunately, the letter contained several contradictory statements and made false promises for submission of future reports that were not delivered on the date promised:

> Item 2: During my site visit, 20 June 2012, I viewed the area where a number of animals were buried. I have identified the area and probed where one animal has been slightly exposed. I have determined a removal plan which was to be performed starting Saturday, 23 June 2012. Due to equipment and personnel issues, the project was delayed to Monday 25 June, 2012. Mr Tosta hired an excavator to recover the several decomposing carcasses and other bones…
>
> This exercise has been started as of the required date of 18 June 2012 and completed by the deadline date of Monday 25 June 2012. A comprehensive report will follow by 12 July 2012 pending on receiving water test results from A&L Laboratory in Modesto, CA.

Directive 2 required work to be started by 18 June 2012. The letter claimed that work stared on the deadline, yet initial ground inspections did not occur until 20 June 2012 and earthmoving did not start until 25 June 2012, **seven (7) days** after the required deadline.

In addition, Directive 2 required submission of proof of legal disposal by 2 July 2012. On 3 July 2012 the discharger's consultant presented Central Valley Water Board inspectors with a picture of a receipt from Foothill Sanitary Landfill taken with a cellular phone camera during a field inspection. The photo was also attached to the 5 July 2012 correspondence and submitted to the Regional Board. An electronic copy of a comprehensive report detailing the removal of dead cows was finally submitted on 19 July 2012 (Enclosure 2), **seventeen (17) days** after the required deadline.

A photograph of a receipt for tipping fees charged by a landfill, shown to a Regional Board inspector in the field, is <u>not sufficient</u> to meet the deadline requirements of Directive 2 of the CAO. In addition, evidence in the record shows that the Discharger has not excavated all of the animals buried on APN 209-300-016. The 18 July 2012 report indicates that 8 to 12 cows were removed and disposed at the Foothill Landfill. On 5 May 2012 the Discharger told Central Valley Water Board inspectors he had buried 4 to 6 dead cows per month on APN 209-300-016 for 5 to 6 years, indicating there may be as many as 436 cows buried on the parcel. In subsequent conversations with staff, Henry Tosta claimed the number of buried animals was less, 3 to 10 per year. However, no rendering receipts have been produced to document legal disposal of any dead cows during the 5 to 6 year period in question. In addition, Henry Tosta has repeatedly assured Central Valley Water Board staff that he is sending cull cows to a rendering facility, but to date has not provided any rendering receipts.

In addition, the Reporting Requirements section of the CAO states:

> **Certification**. Include the following signed certification with all reports submitted pursuant to this Order:
>
> *I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

The reports submitted on 5 July 2012 and 18 July 2012 have been signed by the Discharger, but do not contain this certification.

Incomplete Responses to Directive 4:

Groundwater Testing and Submission Remediation Plan: Directive 3 to the CAO required the Discharger to use a hydropunch or other similar method to collect one-time groundwater samples in the vicinity of the dead animal burial area, measure depth to water, and take a sample of the water in the Main Drain of the Naglee-Burk Irrigation Canal. The results of samples taken under Directive 3 are used to determine whether additional actions must be taken to remediate the effects of pollution from the illegal burial of dead cows.

The 18 July 2012 report states:

> 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...
>
> 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.

Samples were taken directly from the pit, instead of using a hydropunch. Because of the shallow depth of groundwater in the dead animal burial area, groundwater was in direct contact with the buried animals and the fluid released from the decomposing carcasses. A hydropunch sample taken adjacent to the burial area would have some filtration of groundwater through the

soil between the burial area and the hydropunch location. Because the samples were actually collected from the pit immediately after the carcasses were removed, the samples lacked soil filtration. Accordingly, some of the constituents tested, such as bacteria, show higher levels than would be expected using the hydropunch technique that was required by the CAO. The data collected using the direct sampling technique show an impact to groundwater immediately adjacent to the buried carcasses.

Directive 4 required the Discharger to submit a plan for the remediation of groundwater by 27 August 2012 if groundwater samples in the vicinity of the dead animal burial area indicated waste disposal has caused pollution of groundwater. The two water samples taken by the Discharger on 24 June 2012 at approximately 18 feet below soil surface contained nitrate as nitrogen at 30 mg/L and 21.9 mg/L, respectively. The maximum contaminant level (MCL) for nitrate as nitrogen in drinking water is 10 mg/L. In addition, the samples contained total coliform greater than 2419.6 MPN/100mL, E.coli at 156.5 MPN/100mL, and ammonia at 5.2 mg/L. These testing results confirmed there is pollution of groundwater in the area of the dead cow burial area. Accordingly, a plan for remediation of groundwater was required to be submitted on 27 August 2012. As of 14 September 2012, a plan has not been submitted and is **nineteen (19) days** late.

Removal of manure solids and animal carcass remains from wastewater lagoon: In addition, Directive 4 required the Discharge to remove all wastewater and manure solids from the wastewater lagoon on the Reeve Road Heifer Ranch, remove the manure and bones from the area south of the wastewater lagoons, and complete any additional actions required to remove the Heifer Ranch from coverage under the Dairy General Order by 29 June 2012.

Staff confirmed the Discharger removed manure and bones from the wastewater lagoon as of 26 July 2012. Waste materials, including carcass remains, have been stacked alongside of the lagoon but have not been properly disposed. Manure and animal remains must be properly disposed of in order to comply with the closure requirements of the Dairy General Order. High concentrations of animal remains are comingled with dirt and manure removed from the lagoon area, as confirmed by inspections on 26 July 2012 and 5 September, 2012.

The Discharger has been repeatedly informed by Central Valley Water Board staff that this material **must be disposed of at a landfill certified to receive animal remains**. As of 5 September 2012, the materials have not been removed as required by the CAO, **seventy-seven (77) days** after the compliance deadline.

Immediate compliance with the requirements of CAO R5-2012-0709 is required. The Discharger has failed to maintain compliance with the CAO for no less than 120 days. For failure to comply with the requirements of the CAO, the Discharger may be subject to a maximum potential penalty of **$600,000** in administrative civil liability, or this matter may be referred to the California Attorney General's office, where the Discharger may be subject to a maximum civil penalty of **$1,800,000.**

If you have any questions regarding compliance with the CAO please contact Charlene Herbst at (916) 464-4724 or cherbst@waterboards.ca.gov.

Frederick S. Moss
Assistant Executive Officer

Enclosure 1 – 21 June 2012 letter, Western Dairy Design
Enclosure 2 – 18 July 2012 letter, Western Dairy Design

cc: David Boyers, State Water Board, Office of Enforcement, Sacramento
Ellen Howard, State Water Board, Office of Enforcement, Sacramento
Rodney Estrada, Lead Senior REHS, San Joaquin County Environmental Health Department
David Irey, Supervising Deputy District Attorney, San Joaquin County
Jim Avila, Dairy Monitoring Company
David Avila, Western Dairy Design

Enclosure 1

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
11020 Sun Center Drive #200
Rancho Cordova, California 95670

21 June 2012

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

Work:
19 June 2012: Review violation documents.
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 area.
21 June 2012: Start letter to Charlene Herbst-extension for bone and carcass removal.
22 June 2012: Finish letter to Charlene Herbst-extension. Communicate with Ellen Howard; communicate with Dept. of Meat, Poultry & Egg Safety- quarantine permit.
25 June 2012: Observe and coordinate bone and carcass removal at burial site. Pull water samples below burial area and adjacent Naglee Drain; ice water samples and deliver them to A&L Laboratory in Modesto for testing.
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.
28 June 2012: Visit site to walk area of clean up with WQCB staff.
29 June 2012: Worked on information for report to Sean Walsh.
3 July 2012: Visit site to walk area of clean up with WQCB staff.

Item #1- Mr. Tosta will stop his periodic burial of dead animals at his designated burial area. 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. The landfill is located at 6484 North Waverly Road, Linden. They are open daily from 7:00 am to 5:00 pm.

Item #2- During my site visit, 20 June, 2012, I viewed the area where a number of animals were buried. I have identified the area and probed where one animal had been slightly exposed. I have determined a removal plan which was to be performed starting Saturday, 23 June, 2012. Due to equipment and personnel issues, the project was delayed to Monday 25 June, 2012. Mr. Tosta hired an excavator to recover the several decomposing carcasses and other bones.
I had contacted the San Joaquin County Health Department to inquire if they have any requirements for removal of dead animals. Speaking to Robert McClellan at the department, he informed me their department requires no permitting. He was helpful to inform me of Foothill Landfill which is the only facility in San Joaquin County that is permitted to receive dead large animals. I was later informed by Ellen Howard, attorney with the WQCB, Mr. Tosta will require a "quarantine" permit from the Meat, Poultry and Egg Safety Department to recover and dispose of the bones and decomposing materials.
This exercise has been started as of the required date of 18 June 2012 and completed by the deadline date of Monday 25 June 2012. A comprehensive report will follow by 12 July 2012 pending on receiving water test results from A&L Laboratory in Modesto, California.
I submitted directly to Sean Walsh a photo copy of the dumping receipt from the landfill 3 July 2012. As well, I submitted a draft plan for the Dairy directly to Sean Walsh as work in progress.
Item #3- Being we had the Faria excavator at the work site during the carcass removal work I had an 18 feet deep hole to ground water dug directly below the most recent buried animals which had been observed by WQCB staff at their 1 May 2012 closure inspection. Considering if there had been any traces of decomposition, it would be there. I had Manny Faria pull directly from the ponding ground water at the bottom of the excavation, two bottles of water samples. I immediately field tested one sample for ph, EC and temperature, labeled the second bottle and stored it in an ice chest with ice. A comprehensive report will follow as stated above.

Item 4, part a- Ground water and Naglee Drain water samples were collected and submitted to A&L Laboratory in Modesto afternoon Monday 25 June 2012.

Item 4, part b- I am not involved with the "dairy closure" plan. Apparently Mr. Tosta has verbally agreed to perform the cleanup as described. The plan is to contract with Faria & Son Backhoe Service. The plan is to remove the dry and wet manure from the raised bank lagoon which lies north of the heifer corrals and deposit it north of the corral fence among the existing dry manure. This will be coordinated with the cleanup operations at the Henry Tosta Dairy. Considering the importance of cleaning the manure slurry from the east of Mr. Tosta's freestall barn to accommodate the installation of 39,000 square feet of concrete for manure slurry storage prior to moving equipment to this heifer ranch, I would estimate this work could commence and be completed the week of 23-27 July 2012.

Item 5- This task has been completed prior to inspection by Sean Walsh and me 3 July 2012. Report to follow by 12 July 2012.

Thank you.

David Avila, President	Date	Henry Tosta	7-5-12 Date

S:\SVDWG\053 Henry Tosta\053-12 MWISP-WQCB Info\12-07-03 Compliance Plan2-Heifer Ranch.doc

paper copy received 7/20/12
Enclosure 2

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
11020 Sun Center Drive #200
Rancho Cordova, California 95670

18 July 2012

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.

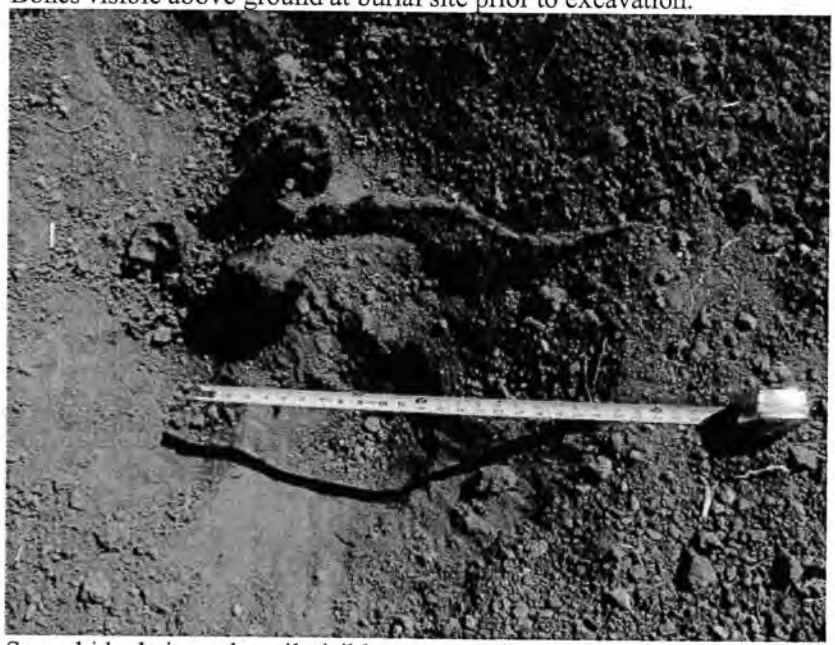
Thank you,

David Avila, President — Date: 18 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

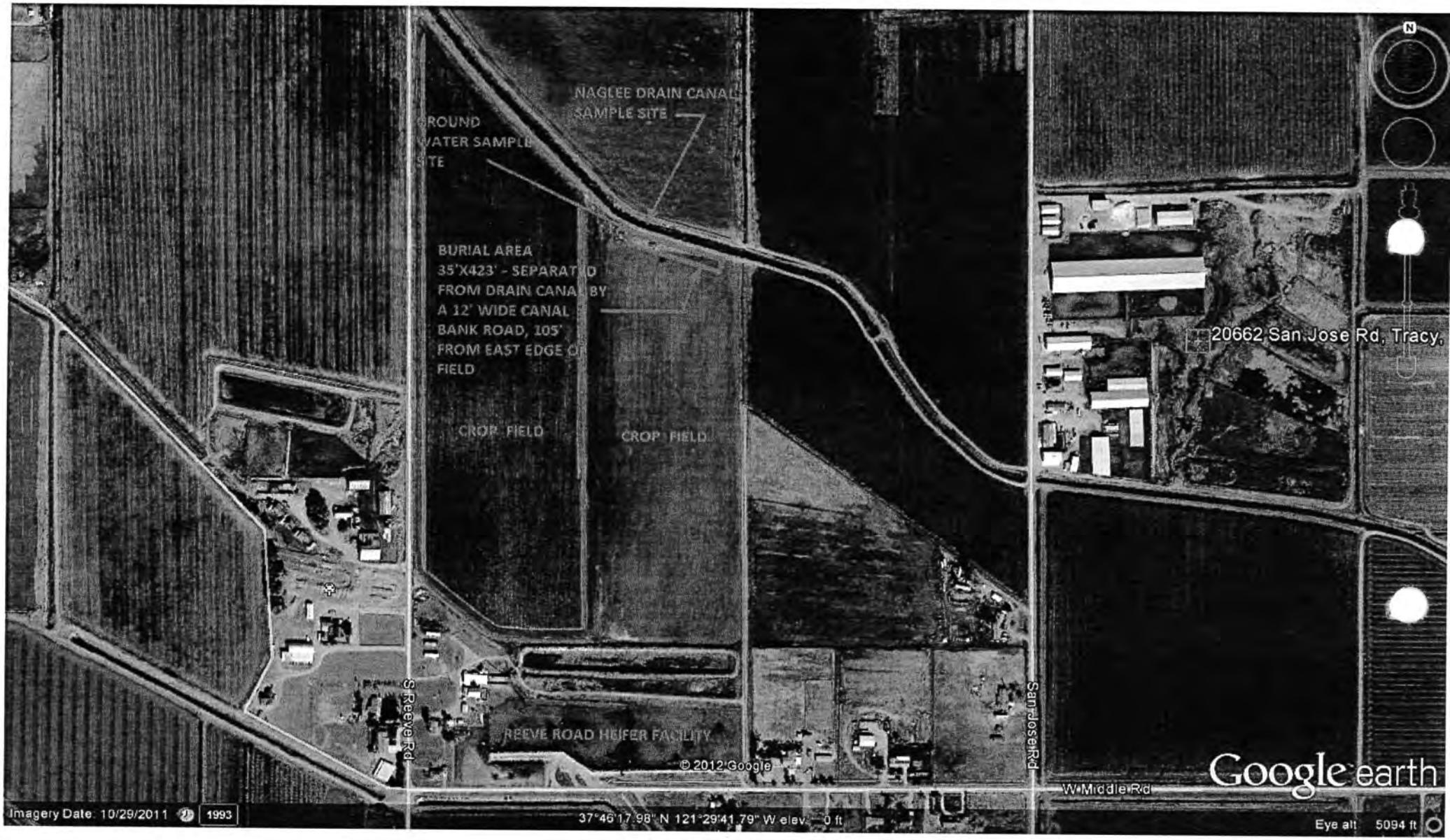
Ship Date 6/18/2012
Due Date 6/18/2012
P.O. #
Terms

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

580 C 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
7
ROUND
VATER SAMPLE
ITE
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
REEVE ROAD HEIFER FACILITY
© 2012 Google
San Jose Rd
W Middle Rd
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 Agricul
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
6484 N. WAVERLY RD.
Linden, 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 1288
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	3680	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.
Carcuss 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

A & L Western Agricultural Laboratories

Robert Butterfield
Laboratory Director

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Report No: 12-177-100

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

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