Neal, Barbara@Waterboards

From:	Herbst, Charlene@Waterboards
Sent:	Thursday, November 15, 2012 8:59 AM
To:	Howard, Ellen@Waterboards
Subject:	FW: replacement pages for the 18 July, 2012 Comprehensive Report – Dead Animal Removal – Reeve Road Heifer Ranch
Attachments:	Replace page 3-Comprehensive report-Dead Animal removal-Heifer Ranch.pdf; 2012-10-01Replacement sig page-compreh.rept.pdf; Attach 2 from Dairy Monitoring's Mailing to Sean for reply to COA (Heifer Ranch) dated July 24, 2012.pdf

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From: Walsh, Sean@Waterboards
Sent: Wednesday, October 03, 2012 7:21 AM
To: Herbst, Charlene@Waterboards
Subject: FW: replacement pages for the 18 July, 2012 Comprehensive Report – Dead Animal Removal – Reeve Road Heifer Ranch

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From: Mr. Jeff Fleming [mailto:jefflem@dairydesigners.com]
Sent: Tuesday, October 02, 2012 4:39 PM
To: Walsh, Sean@Waterboards; Walsh, Sean@Waterboards
Subject: replacement pages for the 18 July, 2012 Comprehensive Report – Dead Animal Removal – Reeve Road Heifer Ranch

Dear Mr. Walsh: Paper copies are also in the US mail.

Please find attached, replacement pages #3 and #5 for the 18 July, 2012 Comprehensive Report – Dead Animal Removal – Reeve Road Heifer Ranch. These pages resolve a couple of issues in your 14 September 2012 letter: STATUS OF COMPLIANCE WITH CLEANUP AND ABATEMENT ORDER R5-2012-0709, REEVE ROAD HEIFER RANCH, 21070 REEVE ROAD, TRACY, SAN JOAQUIN COUNTY. The other issues will be addressed in additional correspondence.

The replacement page #3 clarifies that although excavation started later, Mr. Tosta realized his own equipment was non-operative, and started the removal process prior to the June 18 deadline, by calling and hiring Faria & Son excavators. Faria & Son had planned to start excavation June 23, but equipment and personnel issues delayed their start to June 25. The excavation of the entire burial area was accomplished and completed in one day, June 25.

The previous page #3 was less detailed and may have given the impression that no activity related to the animal removal occurred prior to the June 18 deadline. There was effort and activity, but actual excavation was delayed.

As further evidence, I include Attachment #2 from Dairy Monitoring Company's previously submitted July 23 response to the Reeve Road Heifer ranch CAO. In Attachment #2, Mr. Tosta declares that he began calling excavators immediately upon receiving the CAO.

The replacement page #5 corrects the omission of the certification statement on the signature page.

Jeff Fleming

Western Dairy Design Associates, Inc.

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jefflem@dairydesigners.com

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 on June 15, 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 their work schedule, Faria & Son were not available on June 18, but they planned to perform the removal starting Saturday, 23 June, 2012. Due to equipment and personnel issues, the project was actually started and fully completed on 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 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.

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.

Thank you,

David Avila, President	1 Oct 2012 Date	Henry Tosta	10-1-12 Date

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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.

Thank you,

David Avila, President	Date	Henry Tosta	10-1-12
		Henry Tosta	Date

S:\SVDWG\053 Henry Tosta\053-12 MWISP\WQCB Info\12-09-19 Compliance Plan3-Heifer Ranch.doc

Reeve Road Heifer Ranch
21070 Reeve Rd Tracy, CA 95304

Reply to Cleanup &
Abatement Order dated
June 11, 2012

Attachment #2

July 23, 2012

Regarding Directive #2: By June 18, 2012, begin removing of dead animals buried on APN 209-300-016 adjacent to the Main Drain canal of the Naglee-Burk Irrigation District.

As soon as I received the COA dated June 11, 2012, I started making phone calls for an Excavator to come to my Heifer Ranch and start excavating the carcasses and bones. The Excavators schedule does not allow to begin the removal of the carcasses and bones by June 18, 2012. However, I was told they would come out as soon as possible. The Excavators will attempt to complete the work by June 25, 2012.

Please accept this letter as my request for the Water Board to extend the deadline of June 18, 2012 to begin the removal of dead animals.

Thank you,

Henry Tosta 7-24-2012
Henry Tosta

P.S. The work that was scheduled to be completed on June 25th, 2012 has indeed been completed.

Henry Tosta 7-24-2012
Henry Tosta