Western Dairy Design Associates, Inc.
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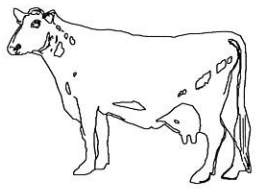

Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, California 95670

03 July 2012

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

Cleanup and Abatement Order R5-2012-0708 – Henry Tosta Dairy
20662 San Jose 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.
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.

Directives:
Item 1. - Western Dairy Design Associates, Inc. (WDDA) has been asked to address all the issues with this violation. WDDA is taking these issues on as we can schedule them among our other "critical" projects. Considering we have been concentrating on actions, we ask forgiveness for the timing of this plan.

Mr. Tosta has contracted with Farina & Son Backhoe Service; 21185 West Williams Road; Hilmar, California 95324; 209-634-1891. They have scheduled to move to the site Thursday or Friday, 12th or 13th of July.

1a- The wet manure just east of the northern freestall barn and north of the settling pond #1 will be removed as soon as possible. This area is scheduled to be covered with 39,000 square feet of concrete as contracted with the NRCS. Being this need to be done prior to the rainy season, the manure removal is important to start as soon as possible. Mr. Tosta has started as of 29 June 2012 to stir the slurry to break the dry crust which slows evaporative drying with his equipment which is now under repair for an oil leak. Mr. Tosta is planning to have the Faria long reach excavator stir the area several times while cleaning settling pond (lagoons) #1 & #2.

1a- The lagoons will be cleaned. The three lagoons to the north (5, 6 & 7) have dried to a point equipment can start operating. Mr. Tosta started pushing the dry manure at lagoon #7 29 June 2012 when his loader started to leak oil and he had to stop work for repairs. Lagoons 1-5 are very shallow, maximum six feet top of the highest bank to the lowest point with approximately 12" plus or minus damp manure. The 3-7 lagoons typically do not receive water during the summer time due to evaporation from the settling ponds 1&2. Work to clean and stack the dry manure will commence upon the arrival of the Faria excavator.

The manure at settling pond 2 and lagoons 1 thru 5 will be stacked near the north edges of each lagoon. The plan is to land apply the manure after the crop harvesting process which may be from 20 September to 20 October 2012. Dairy Monitoring Company will be asked to test the manure and provide agronomic applications to each field as part of their normal reporting program.

1a- Settling ponds are generally managed one of two ways. First, if there are several ponds in parallel, one maybe isolated out and "cleaned" to the bottom while effluent is diverted through the other pond. If there are several ponds in series as in Mr. Tosta's case, typically the ponds are "skimmed" to remove the "floating" solids which typically rise and dry at the top of the pond surface. Consequently, rather than "cleaning" the ponds, Mr. Tosta will "skim" the floating manure off the surface which starts the "drying" process resulting in the build up of the crust once again at which time the cycle continues. These dry/damp manures are typically stacked along the inside edges of the west and south levees of lagoon #3. Here the manure can be turned and dried for land application this fall as described above.

1c- Mr. Tosta informed me the species of tumble weed around the lagoon are fairly hardy and resistant to most common herbicides. Considering all, I suggest mowing the weeds to three to four inches in height. This will help prevent erosion while defining the levees for access for maintenance and observations. I have also instructed Mr. Tosta to destroy all squirrel holes and

continue his attempts to eradicate the squirrels. Staff gages will be installed in all lagoons by 27 September, 2012

Item 2-
The pipe has been capped. Report to follow.
Item 3- Addressed. Report to follow.
Item 4- The monitoring wells have been located.
I have not yet found information about the wells. I do not know what their reference identifications have been in the past. I will simply number them 1, 2 and 3.

Number one- Located at just east of San Jose Road center line maybe 30 feet and at the approximate centerline of the Naglee Drain north bank road. It had a disc blade covering it. The steel rectangular tube casing is flush with grade service and the 2" PVC casing is capped with a PVC cap. Mr. Tosta will provide a new steel casing top and build up a new concrete cap to protect the monitoring well from future damage or contamination.

Number two- Located near the northwest corner of lagoon #1 (settling pond #1). The steel rectangular tube casing is bent near grade. There was wet manure approximately 8" deep around the tube casing. I removed the wet manure from around the casing and found no holes indicating there is probably no contamination. Mr. Tosta will repair the rectangular tube casing and replace the concrete cap and add four bollards to protect the well from any future damage.

Number three- Located approximately 10' north east of the north east corner of the commodity barn. This 2" PVC casing is exposed and plugged with clay soil. Mr. Tosta is going to attempt to reclaim this well before we decide to abandon it and install a new MW.

Item #5- Exact date and method for pulling samples to be determined prior to 19 July 2012.

Item #6- WMP will be revised and submitted to the WQCB by 27 August 2012.

Item #7- Impacts to be determined from water test results. Plan to be submitted to the WQCB by 27 September 2012.

Item #8- Manure system design changes will be determined prior to 27 August 2012. There is an existing contract with the NRCS for 39,000 square feet of concrete to be used for manure storage. This concrete and other facilities will be incorporated in changes required.

Thank you,

David Avila, President — 6 July 2012 Date

Henry Tosta — 7-5-12 Date

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Central Valley Regional Water Quality Control Board
Confined Animal Facilities unit
Attention: Sean Walsh
11020 Sun Center Drive, Suite #200
Rancho Cordova, CA 95670

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