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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.

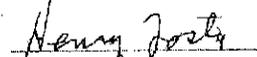
Item 4, part b- I am not involved with the "dairy closure" plan. Apparently Mr. Tosta has verbally agreed to perform the cleanup as described. The plan is to contract with Faria & Son Backhoe Service. The plan is to remove the dry and wet manure from the raised bank lagoon which lies north of the heifer 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.

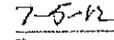
Item 5- This task has been completed prior to inspection by Sean Walsh and me 3 July 2012. Report to follow by 12 July 2012.

Thank you,

David Avila, President

Date


Henry Tosta



Date