Neal, Barbara@Waterboards

From:	Herbst, Charlene@Waterboards
Sent:	Thursday, November 15, 2012 9:08 AM
To:	Howard, Ellen@Waterboards
Subject:	FW: replacement of the 6 July, 2012 Cleanup Abatement Plan – Reeve Road Heifer Ranch
Attachments:	Replace Page 2-Cleanup and Abatement Plan-Heifer Ranch.pdf; Replace Page 3.Cleanup and Abatement Plan-Heifer Ranch.signed.pdf; Attach 2 from Dairy Monitoring's Mailing to Sean for reply to COA (Heifer Ranch) dated July 24, 2012.pdf

From: Walsh, Sean@Waterboards
Sent: Wednesday, October 03, 2012 7:22 AM
To: Herbst, Charlene@Waterboards
Subject: FW: replacement of the 6 July, 2012 Cleanup Abatement Plan – Reeve Road Heifer Ranch

From: Mr. Jeff Fleming [mailto:jefflem@dairydesigners.com]
Sent: Tuesday, October 02, 2012 6:03 PM
To: Walsh, Sean@Waterboards; Walsh, Sean@Waterboards
Subject: replacement of the 6 July, 2012 Cleanup Abatement Plan – Reeve Road Heifer Ranch

Dear Mr. Walsh:

Paper copies are also in the US mail.

Attached are replacement pages #2 and #2 for the 6 July, 2012 Cleanup Abatement Plan – 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 #2 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 #2 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 #3 corrects the omission of the certification statement on the signature page.

Jeff Fleming

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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. On June 15, Mr. Tosta hired the Faria & Son excavating firm to recover the several decomposing carcasses and other bones. 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.
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.

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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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