Herbst, Charlene@Waterboards

From: Lee N. Smith <LNSmith@weintraub.com>
Sent: Tuesday, November 05, 2013 4:38 PM
To: Boyers, David@Waterboards
Cc: Young, Vanessa@Waterboards; Herbst, Charlene@Waterboards; Busby, Robert@Waterboards
Subject: Reeve Road
Attachments: doc00862020131105162636.pdf

Attached is the work plan, work will begin on or before November 15, 2013. This plan assumes that an understanding will be confirmed with respect to the withdrawal of the ACL.

Lee N. Smith
Shareholder
lnsmith@weintraub.com

400 Capitol Mall Suite 1100
Sacramento, CA 95814
D (916) 558-6048 Direct
F (916) 446-1611
C (916) 508-3836

8080 N. Palm Ave. Suite 205
Fresno, CA 93711
D(559) 449-8500

Check out our newest blog: The Real Estate & Environmental Law Blog

weintraub | tobin
weintraub tobin chediak coleman grodin law corporation
400 Capitol Mall, 11th Floor, Sacramento, California 95814 | (916) 558.6000 | www.weintraub.com
Sacramento | Los Angeles | San Francisco

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer does not consent to Internet email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of my firm shall be understood as neither given nor endorsed by it.

John Minney
17137 Road 37
Madera Ranchos, CA 93636
(559)275-5937 (559)645-0870
jminney@gmail.com

October 23, 2013

Job F12033

Lee N. Smith, Attorney
Weintraub Tobin
400 Capitol Mall, Suite 1100
Sacramento, CA 95814

SUBJECT: Landfill Disposal
Stored Dried Manure
Heifer Ranch
21070 Reeve Ranch Road
Tracy CA

Dear Sir:

This is a Work Plan to remove and dispose of manure located on the Reeve Road Heifer Ranch which was the subject of a CAO and an ACL. Work is to begin November 15, 2013. This site is the subject of a Central Valley Regional Water Board Clean Up and Abatement Order (Order No. RS-2012-0709) ("CAO") with respect to the alleged disposal of herd fatalities onsite. The property, which is currently a heifer ranch, has been used as a dairy in the past. In the Western portion of the property is the production area that served as the prior dairy. Apparently the dairy that was on site has not been operated for at least six-seven years, although the area is still currently in operation as a heifer ranch. During the dairy's prior operations it is alleged that mortalities were buried in and about the dairy wastewater pond near the production facility on the west end of the property, which is no longer used as a pond. The manure in the pond area was removed and stockpiled. Apparent in the stockpiles are bovine bones that evidence of at least partial prior placement of animal carcasses in this area.

The original Regional Board CAO mandated that the manure be hauled to the proper disposal site. It is our understanding that the Regional Board's concern related to potential Bovine spongiform encephalopathy ("BSE"). Because of this concern we consulted with several experts in the field, and determined that:

1) The experts have indicated that soil cannot be accurately tested for BSE unless there is fresh brain or spinal cord material available;

2) It was also believed that it is unlikely that there is a risk of BSE at this site, since based on discussions with Mr. Tosta, this was a "closed" herd i.e. no purchased animals would have been brought on the facility and then no cows with the disease would have been brought in and all other instances of BSE in California have been verified by the State and Federal surveillance program to have been "imported;"

3) Based on the passage of time, and the nature of the waste materials, it is highly unlikely that any diseases could have survived for this period; and

4) the stockpiling of these materials during the past summer was the equivalent of the program that had originally been proposed.

We also conferred with Drs. Richard E. Breitmeyer, UC Davis California Animal Health & Food Safety Laboratory System, Annette Jones Whiteford, State Veterinarian & Director Animal Health and Food Safety Services California Department of Food and Agriculture, and Michael Payne, Western Center for Food Safety University of California and based on our presentation of our prior plan.

It is the Property Owner's continued view that the public safety would be better served by reusing the manure onsite, if it is applied agronomically or as part of a normal grading operation in the corrals. Nonetheless, the Regional Board is demanding now that it be removed and disposed at a landfill. From the standpoint of landfilling, the aged manure stockpile is triangular, roughly 830 feet long, varies in width from nominally 15 feet to 35 feet at the base, and is on the order of 5 to 6 feet high along the top of the toughly triangular cross section. I estimate the size at 60,000 cubic feet or 1333 tons.

A licensed trucking company will therefore haul and dispose of manure waste at the Linden landfill site. The trucking company would be paid for pick-up and delivery, along with a per ton disposal fee with the tonnage measured at Linden.

If you have any questions or comments in this regard, please do not hesitate to contact me.

Respectfully submitted,

John Minney, CE 32537

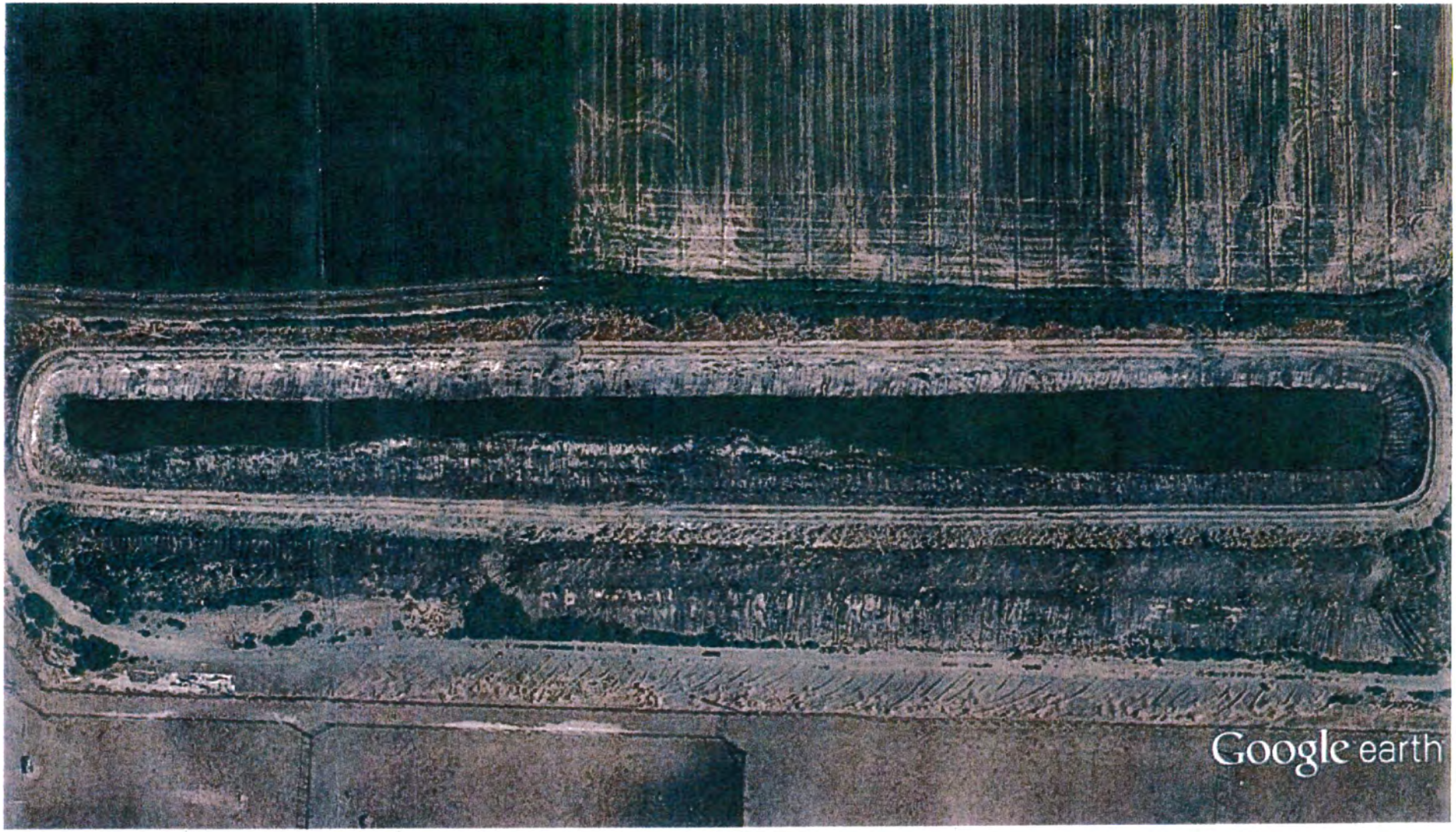
Attachments: Photos

MEASURE MASTER
BY ROLATAPE
www.rolatape.com
FEET
IN
MM-50

MEASURE MASTER
BY ROLATAPE
www.rolatape.com
0 0 1 4
FEET
IN
MM-50

MEASURE MASTER
BY ROLATAPE
www.rolatape.com
0 0 1 4
FEET
IN
MM-50

MEASURE MASTER
BY ROLATAPE
www.rolatape.com
0 0 2 4
FEET
IN
MM-50



Google earth

feet 500

meters 100