



Enforcement News

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

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Overflowing Manure Storage Area and Illegally Buried Dead Cows Found at Two Area Farms *Central Valley Water Board Issues Cleanup and Abatement Orders*

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SACRAMENTO – The Central Valley Regional Water Quality Control Board (Regional Water Board) has issued Cleanup and Abatement Orders (CAOs) to the Henry Tosta Dairy (Dairy) and the Reeve Road Heifer Ranch (Heifer Ranch) in Tracy, San Joaquin County, after routine inspections in May identified overflowing manure storage areas at the Dairy and dead cows illegally buried in cropland rented by the Heifer Ranch. Both facilities are operated by Henry Tosta.

“The operation of this large dairy, located over shallow groundwater, and lacking even the basics of good manure management, has created a serious environmental threat,” said Water Board Executive Officer Pamela Creedon. “The burial of dead cows on site in shallow groundwater is completely irresponsible. These practices undermine the vast majority of dairy operators in the Central Valley Region who work hard to follow good environmental practices in compliance with the Dairy General Order.”

The Dairy General Order, adopted by the Regional Water Board in 2007, requires dairies to handle wastes in ways that protect surface and groundwater. The General Order contains a number of requirements, including standards for manure and dairy wastewater storage and criteria for the application of manure and dairy wastewater to cropland as fertilizer. The Order also prohibits on-site disposal of dead animals except when state, federal, or local agencies declare a state of emergency.

At the Dairy, Water Board inspectors found manure slurry to a depth of several feet filling the central part of the production area and encroaching on corrals where animals were housed. The majority of cows are housed away from the manure piles in freestall barns or in corrals.

Wastewater lagoons had not been cleaned out or maintained, and settling basins for solid manure were completely full of manure. The Waste Management Plan prepared for the Dairy did not accurately reflect the conditions at the site. These management issues pose a significant threat to water quality, especially since groundwater at the Dairy is less than five feet below the ground surface.

In cropland rented by the Heifer Ranch, Regional Water Board inspectors found several cow carcasses placed in a groundwater-filled excavation and evidence that as many as several hundred additional animals may be buried in the same area.

Waste management at the two facilities violates rules prohibiting the collection of, treatment, storage, and discharge or disposal of wastes at a milk cow dairy that results in contamination of surface water or groundwater.

The Water Board has directed the Dairy owner and the owner and operator of the Heifer Ranch to take a number of steps including:

- Immediately ceasing all on-site burials of dead animals.
- Removing dead animals buried at the site by June 25.
- Submitting proof of legal disposal of the carcasses by July 2.
- Developing a plan for removal of excess manure at the Dairy by June 25 and removing all excess manure from the production area of the Dairy by September 27.
- Collecting groundwater samples from the areas where the dead cows were buried and from the production area of the Dairy and submitting the results to the Water Board. If sampling results indicate pollution of groundwater, a remediation plan must be prepared and implemented.

Regional Water Board staff plan inspections following each of the deadlines. The Water Board is considering further enforcement actions against the Dairy and Heifer Ranch, which may include the imposition of penalties or referral to the Attorney General's office. The Water Board's Cleanup and Abatement Orders and inspection reports (including pictures) are available at:

Henry J. Tosta dba Henry Tosta Dairy:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/index.shtml#tostacao

Henry J. Tosta dba Reeve Road Heifer Ranch:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/index.shtml#heifercao

The Central Valley Water Board is a California state agency responsible for the preservation and enhancement of quality in water resources. For more information on the Central Valley Water Board, please visit the home page at:

<http://www.waterboards.ca.gov/centralvalley/>