



Media Release

Central Valley Regional Water Quality Control Board

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TRACY DAIRY FINED \$685,000 FOR WATER QUALITY VIOLATIONS

For Immediate Release

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SACRAMENTO – The Central Valley Regional Water Quality Control Board (Regional Water Board) has imposed a penalty of \$685,000 against the Henry Tosta Dairy, located in Tracy, San Joaquin County, for water code violations found during routine inspections.

Violations included the discharge of manure waste into groundwater and the failure to comply with a Cleanup and Abatement Order (CAO).

“The Henry Tosta Dairy has a history of egregious violations, and the accumulated manure waste at the site is negatively impacting water quality,” said Regional Water Board Executive Officer Pamela Creedon. “The vast majority of dairy operators in the Central Valley Region work hard to follow good environmental practices and to abide by the Dairy General Order. The lack of proper management practices at this dairy, and the operator’s blatant disregard for the law, the Dairy General Order and subsequent Cleanup and Abatement Enforcement Orders, has created unhealthy and dangerous conditions, polluting the waters of the State of California.”

A May 2012 inspection identified numerous violations at the dairy and, in June 2012, the Regional Water Board issued a CAO.

Inspectors found that wastewater lagoons had not been regularly cleaned out or maintained, and settling basins for manure wastewater were full and lacked the capacity to handle the daily manure generated by the dairy cows.

Regional Water Board inspectors found manure slurry to a depth of several feet, filling a 3-to-4 acre area within the central part of the production area, which was not designed for manure storage and had no waste containment features. The manure in this area was encroaching on the corrals where the dairy cows were housed.

The dairy’s waste management plan failed to accurately reflect the infrastructure and conditions at the dairy. These management issues pose a significant threat to water quality, in particular where groundwater at the dairy is less than five feet below the surface, and because the Naglee-Burk Main Canal, which flows into the Old River, a tributary to the San Joaquin River, borders the dairy’s production area.

The Dairy General Order (Order), adopted by the Regional Water Board in 2007, requires dairies to manage their waste to reduce impacts to surface water and groundwater. The Order contains a number of requirements, including standards for manure and dairy wastewater storage, criteria for the application of manure and dairy wastewater to cropland as fertilizer, and the prohibition of the collection, treatment, storage, discharge or disposal of waste that results in contamination or pollution of surface water or groundwater.

Regional Water Board inspectors found that the dairy contributed to the pollution of groundwater. Additionally, despite repeated inspections and reminders, the discharger failed to comply with directives of the CAO, including requirements to remove the piles of manure accumulated at the dairy.

Due to continued violations, the Regional Water Board's executive officer issued an Administrative Civil Liability Complaint in November 2012 proposing a fine of \$1,140,713 against the Dairy.

At a hearing on July 25, 2013, the Regional Water Board imposed a penalty of \$685,000 in compliance with the State Water Resources Control Board Enforcement Policy, which requires the consideration of mitigating factors in determining the amount of a penalty.

For more information please visit:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/1307/20_tosta_dairy/tosta_aclo.pdf

The Central Valley Water Board is a California state agency responsible for the preservation and enhancement of water quality. For more information on the Central Valley Water Board, please visit the home page at: <http://www.waterboards.ca.gov/centralvalley/>