



California Regional Water Quality Control Board
Central Valley Region
Katherine Hart, Chair



11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114
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<http://www.waterboards.ca.gov/centralvalley>

Miguel Rodriguez
 Secretary for
 Environmental Protection

Edmund G. Brown Jr.
 Governor

NOTICE OF VIOLATION

26 September 2011

CERTIFIED MAIL
7007 0710 0004 3777 8239

Juan Echezerra
 18451 Wildwood Road
 Buttonwillow, CA 93206-9769

CHRON

POTENTIAL ADMINISTRATIVE CIVIL LIABILITY FOR FAILURE TO SUBMIT WASTE MANAGEMENT PLAN AND ANNUAL REPORTS, REEVES ROAD HEIFER RANCH, 21070 REEVES ROAD, TRACY, SAN JOAQUIN COUNTY, WDDID 5B39NC00152

The dairy facility identified above is covered under the General Order No. R5-2007-0035, Waste Discharge Requirement General Order for Existing Milk Cow Dairies (General Order). The General Order requires that a Waste Management Plan (WMP) be submitted for regulated facilities by **1 July 2010**, including the following: 1) Retrofitting plan, with schedule, needed to improve storage capacity, flood protection, or design of the production area; 2) Production area and land application area maps (facility information); 3) Waste storage capacity evaluation; 4) Flood protection evaluation; 5) Production area design/construction evaluation; and 6) Documentation that there are no cross connections.

The General Order requires that a 2008 Annual Report be submitted for regulated facilities by **1 July 2009**, including documentation of completion of interim facility modifications for storage capacity and to balance nitrogen; components of a Nutrient Management Plan; a salinity report; and domestic and irrigation well monitoring reports.

The General Order requires that a 2009 Annual Report be submitted for regulated facilities by **1 July 2010**, including an Annual Dairy Facility Assessment and domestic and irrigation well monitoring reports.

The General Order requires that a 2010 Annual Report be submitted for regulated facilities by **1 July 2011**. The General Order also required that a certain modification be completed and certified by **1 July 2011**, including: 1) certification by a Certified Nutrient Management Specialist that retrofitting proposed in the Nutrient Management Plan to improve nitrogen balance has been completed; 2) certification by a California Registered Professional that modifications proposed in the Waste Management Plan for corrals, pens, animal housing areas, and manure and feed storage areas have been completed, and; 3) certifications (s) by a California Registered Professional that modifications made to meet storage capacity and flood protection requirements have been completed.

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has not received the WMP, the 2008 Annual Report, the 2009 Annual Report, or the 2010 Annual Report for this facility.

Juan Echezerra
18451 Wildwood Road
Buttonwillow, CA

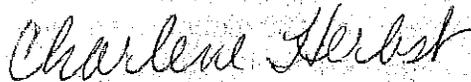
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26 September 2011

The General Order-required reports, including those that were due on 1 July 2009, 1 July 2010, and 1 July 2011 are requested pursuant to California Water Code (CWC) § 13267. CWC § 13268 provides that failure to submit required reports can subject you to administrative civil liability (monetary penalties) at a rate of up to \$1000 for each day each report is late or substantially incomplete, if imposed by the Central Valley Water Board, or at a rate up to \$5,000 for each day a report is late or substantially incomplete, if imposed by the superior court. It is important that you promptly provide the Central Valley Water Board with reports required by the General Order that were due by 1 July 2009, 2010, and 2011, to minimize your potential liability. It is strongly recommended that all missing documents be submitted to the Central Valley Water Board by **21 October 2011**.

To close the facility as a milk cow dairy and remove it from the General Order, the owner of the facility must submit to the Central Valley Water Board: 1. a letter stating your intent to close the facility as a dairy and requesting removal from the General Order, and 2. a closure plan outlining the steps to be taken to clean up the facility, based on the planned post-closure use of the facility. A draft closure plan form is attached – the facility owner would complete the middle column of the form and sign the form at the end. Follow the instructions on the attached *What's Necessary to Remove a Closed Dairy from the General Order* document to complete the form. When closure activities are complete, you would notify the Central Valley Water Board; Central Valley Water Board staff will then inspect the facility to verify that the closure activities have been completed.

Please contact Sean Walsh at (916) 464-4795 if you have questions regarding this matter.



Charlene Herbst
Senior Engineering Geologist
Confined Animal Regulatory Unit

Attachment: Closure package

cc: Henry Tosta, 20662 San Jose Road, Tracy, CA 95304